CHAPTER - V

Kashmir Issue and Indo-U.S. Relations
responses indicate that its relations with India were determined by its expansionist objectives and national survival. Moral considerations were never given due weightage during the Cold War period. This cold war mentality determined the nature of relationship with India. Historically, the two largest democracies, the United States of America and India, have not been the closest partners. Relations between the world's most powerful and populous democracy have been both intriguing as well as complex. In the context of India-United States relations, much remains to be understood about the different sources of conflict in their relations and how they have interacted over different periods of time and in divergent policy-making contexts.¹ The nature and context of relations between New Delhi and Washington have been an enigma and paradox over the last five decades. India's relations with the US have always been a roller coaster.

If there was one issue other than nuclear non-proliferation that deeply divided India and the United States, it was the American attitude towards the Kashmir question. The controversies over Kashmir have been one of the major sources of discord between the two countries. "Neither the Cold War, dollar diplomacy, nor anti-colonialism caused the first major bilateral difference between the United States and independent India. The problem arose over the unfinished business of partition – the dispute over the princely state of Jammu and Kashmir", writes Dennis Kux in his book, India and the United States: Estranged Democracies.² The Kashmir phenomenon has been spilling over badly to other areas of engagement between the two largest democracies.

The Kashmir question is another crucial component that bring in the Pakistan factor into play in Indo-American relations. Nothing more had, perhaps, added to the strained Indo-American relations than their differences over policies towards Pakistan, which had raised misunderstandings and irritations between the two. Their differences on major issues, e.g., the problem of Kashmir, the U.S. military alliance with Pakistan and the emergence of Bangladesh are the obvious examples as far as their relations with Pakistan are concerned.

Although the partition of India gave rise to many problems, it was the dispute over the future of Kashmir that had been the most critical point between India and Pakistan affecting their friendly relations. Pakistan regarded partition as “necessary and inevitable . . . but incomplete (without the incorporation of Kashmir), while India regarded partition as unnecessary and tragic, but fundamentally complete (implying that the accession of Kashmir to the Indian union was the completion). On this issue not only the relations have been strained between India and Pakistan but the United States is also involved in it, because of its strategic interests in Pakistan and Kashmir.

Many times, since the rise of Kashmir problem, India and the United States have been misunderstood each other and thus irritated the flow of friendly relations between the two countries. Much of India’s enduring distrust of the United States was rooted in the belief that the American position on Kashmir favoured Pakistan. The roots of the conflicting perceptions between India and the US on Kashmir lie in the Cold War, the partition of the Indian subcontinent in 1947, and the changing nature of the US relations with India and Pakistan. American global interest vis-à-vis its competition with Communism influenced its stance on Kashmir rather than the merits of the issue.

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The Kashmir problem is rooted in claims by both India and Pakistan to the formerly princely state, divided by a military line of control since 1948, into the Indian state of Jammu and Kashmir and Pakistan-controlled Azad (free) Kashmir. Kashmir is both a cause and the consequence of the India-Pakistan conundrum. It is primarily a dispute about justice and people, although its strategic and territorial dimensions are complicated enough.4

Since independence in 1947, India and Pakistan fought two major wars to maintain or seize control over this state: in 1947-48, and in 1965. During the third Indo-Pakistan War of 1971, fought primarily over the Bangladesh separatist issue, there were some limited but unsuccessful efforts by Pakistan to dislodge Indian control over the Kashmir valley.

Both India and Pakistan have advanced several arguments to strengthen their respective claims over Kashmir. These arguments are conflicting and contradictory. Pakistan has been consistently pleading in different regional and international forums that the question of Jammu and Kashmir should be resolved in accordance with the right of self-determinations of the peoples of Jammu and Kashmir.5 The Indian stand has been that the state of Jammu and Kashmir after formally acceding to the Indian union in 1947 has become an integral and inseparable part of the sovereign and independent Indian nation to which the principle self-determination is not applicable.6

While analyzing the various aspects of Kashmir dispute, we will find that this was not merely a territorial dispute. There was strong ideological component to the

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5 See for example the speech delivered by Z.A. Bhutto, Minister of External Affairs of Pakistan in the Security Council, SCOR, 1089 mtg, 7 February 1964, pp. 28-29.
6 See for example the speech delivered by M.C. Chagla, India’s Education Minister in the Security Council SCOR, 1090 mtg, 10 February 1964, pp. 13-14, 15-17.
motives of the two states. For India and Pakistan, the conflict over Kashmir is less a contest over strategic ground or resources as over competing visions of nationalism and state building. ⁷

India contended that Kashmir’s accession to it was vital because it demonstrated that even a Muslim-majority province could thrive within a predominantly Hindu State without any fear of discrimination and harassment, thus validating the concept of secular, democratic state. For India Kashmir is symbolic of secular nationalism and state building. Jammu and Kashmir has a multi-ethnic, multi-lingual, multi-religious civil society.

Contrary to it for Pakistan the possession of Kashmir was crucial to her ideology, namely that religious ideology could serve as the corner stone of a state. ⁸ Pakistan claimed that the religious affinity of the majority of the people of Kashmir made it potentially a Pakistani province, because the partition of India was based on the recognition of the separate nationhood of the Indian Muslims.

India, however, totally rejected the two-nation theory and observed that it would be fatal for it to accept religion as the fundamental element of nationalism, as it would threaten the welfare of several religious minorities, which continued to remain in India. Indians argue that Pakistan, a state defined and driven by its religion, is given to irredentist aspirations in Kashmir because it is unwilling to accept the fact of a secular India. India’s secularism, strengthened by the presence of a Muslim majority state of Kashmir within India, proves that religion alone does not make a nation. It was believed that the strength and integrity of new India would largely arise from its

capacity to circumscribe sub-national loyalties of caste, language and religion.9 Today, as India’s secular fabric has raveled, the country’s leaders seek to maintain their hold on Kashmir because they fear that Kashmir’s exit from the Indian union would set off powerful centrifugal forces in other parts of the country.

The Kashmir question, though it concerns mainly India and Pakistan, has attracted worldwide attention since it arose in 1947. India and Pakistan have long held contradictory views on the involvement of external non-regional powers – primarily the United States – in their conflict. Whereas Delhi has opposed the intervention of ‘third parties’ in what it sees as a ‘bilateral dispute’ over Kashmir – due primarily to an uncertain outcome – Islamabad has actively encouraged international mediation to balance its asymmetrical relationship with India.

The failure on the part of both India and Pakistan to come to a negotiated settlement over Kashmir has opened the issue for interference of outside powers and states. The most consistent feature of great power influence on the Kashmir problem has been its ineffectiveness. The Kashmir issue has been one of the focal points of American foreign policy in India and Pakistan. The United States has always taken advantage of the Indo-Pakistani differences to execute its policy in South Asia. The United States has also had an ambivalent attitude in an active and sustained role in South Asia. The United States has been less than honest in its policy attitudes and policy pronouncements on Kashmir. The major reason being that the United States fluctuations get linked up to US strategic interests at a particular moment in time and Pakistan’s propensity to be a US hand-maiden to service those American interests.

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Pakistan had gained importance from its geo-strategic positions in the proximity with major powers like the erstwhile Soviet Union and China.

The Kashmir question was the immediate reflection of Pakistan’s search for status and security against India after independence. The United States was the first country to support Pakistan on this issue in word and deed.\(^\text{10}\) It strained the relationship between India and Pakistan and was perceived by Indian leaders as damaging its national interest.\(^\text{11}\)

Indian leaders almost always perceived the US policies and approaches towards resolving the Kashmir issue as anti-Indian in character and the US Administrations considered the Indian position unhelpful in the resolution of problem. The chances of a speedy agreement on Kashmir are hampered by the prevailing Indian notion that any attempt to enlarge Kashmir into an international issue could allow indulgence of a “propaganda war” with Pakistan.\(^\text{12}\) Moreover, a view in Indian circle is that the West will try to use Kashmir “as a lever to extract nuclear concessions from New Delhi.”\(^\text{13}\) In addition, the belief in New Delhi is that any U.S. or other Western effort to force the issue in the past prevented any positive movement in Indo-Pak relations and actually led Pakistan into believing that the international community would assist its efforts to obtain concessions from India. This perspective has spoiled chances of improved relations on a more realistic basis.\(^\text{14}\) As a result, the Kashmir issue continued to vitiate the political atmosphere preventing India and US from moving politically closer towards each other. USA supported a plebiscite on Kashmir whereas India considered the accession to be complete.

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\(^{10}\) See Joseph karbel, Danger in Kashmir (Princeton, 1954).


\(^{13}\) Ibid.

\(^{14}\) Ibid.
Over the years, the United States has pursued a variety of approaches to the Kashmir problem: unilateral initiative, bilateral efforts with the United Kingdom, and multilateral proposals under UN auspices. The United States has attempted to pressurize India on the Kashmir issue in the guise of disputing the Accession, followed by rights to self-determination, then as a human rights issue and as a nuclear flashpoint. The role played by the United States in the subcontinent affairs has deteriorated the issue rather than improving the state of affairs. The US’s continued support to the Pakistani stance over Kashmir and largesse of huge amount of arms and ammunition has not only emboldened Pakistan to remain adamant on Kashmir issue but also encouraged Pakistani military adventurism against India.

India had time and again objected to Pakistan agitating the Kashmir issue as an “unfinished task of the partition.” India’s position since 1947 is that Kashmir accession to India in 1947 was final and could not be challenged or questioned anywhere. For India, the Kashmir problem arose because of Pakistani aggression and occupation of almost one-third of Indian territory in the State of Jammu and Kashmir and it had nothing to do with partition as such. In October 1947, a couple of months after the emergence of India as an independent state, Pakistan dispatched armed Pathan tribesmen from its North-West Frontier Province into Kashmir to forcibly annex it. The Maharaja of Kashmir sought India’s military help and signed an Instrument of Accession on 26 October 1947 making the state part and parcel of India. Hari Singh acceded to India under the provisions of the Independence Act passed by British Parliament in 1947. The Act, read with the 1935 Government of

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India Act, provided that if any of the sovereigns chose to sign an Instrument of Accession, the ruler would permanently merge the kingdom with India or Pakistan as notified in the Instrument. Prime Minister Nehru promptly sent military help and protected the state of Jammu and Kashmir from Pakistani aggression. Thus in strict legal terms, the whole of Kashmir, became irreversibly an inalienable part of India.

Kashmir Issue: 1948-1953

In January 1948, under Article 35 of the UN Charter, India took the case before the Security Council charging Pakistan for assisting the tribesmen and other invaders in violation of her sovereignty.17 India went to the UN in 1948 hoping that the international body would make Pakistan vacate the territory occupied by it and make it desist from disrupting the constitutionally valid decision taken by the ruler of Kashmir to accede to India. Nehru – following Mountbatten’s counsel – took the issue to the United Nations Security Council, believing that India’s legal and moral case against Pakistan was strong.18

India requested the Security Council (i) to ask the Government of Pakistan to prevent their Government personnel, military and civil, from participating or assisting in the invasion of Jammu and Kashmir state, (ii) to call upon their nationals to desist from taking part in the fighting in the state; and (iii) to deny the invaders (a) access to and use of its territory for operation against Kashmir (b) military and other supplies and (c) all other kinds of aid that might tend to prolong the present struggle.19

Initially Truman Administration kept its hands off from the Kashmir dispute and avoided supporting either India or Pakistan. When British Commonwealth

Secretary Noel-Baker presented detailed ideas in January 1948 for conducting a plebiscite under international control, the State Department’s response was lukewarm. Loy Henderson, Director of the Near East Office in the State Department, urged Acting Secretary of State Robert Lovett to stay out of the dispute to avoid “making a choice between giving support to the interests of India or of Pakistan”. But once Nehru took the Kashmir question to the United Nations on the advice of Lord Louis Mountbatten, Washington took active interest in the issue. The issue of ‘wishes of the people’ introduced by Nehru and Mountbatten was submitted at the UN for the latter’s mandate.

With the US and British delegations the prime movers, the Security Council on 21 April 1948 adopted a resolution setting up the UN Commission for India and Pakistan (UNCIP). The Indians reacted sourly, angry that the UN failed to condemn Pakistan as aggressor and seemed to be treating the two countries as equal parties to the dispute. In the discussions over Kashmir in the United Nations, the American and the Western attitude appeared to be favourable to Pakistan. Nehru saw the US stance on Kashmir as influenced less by the merits of the dispute than by the US global interests in the light of the tensions of the Soviets. In fact by this time America had started thinking in terms of possible Pakistani acceptance of American military alliances. This was reflected in the importance that America gave to the visit of Pakistani Prime Minister Liaquat Ali Khan that immediately followed Nehru’s visit.

India’s complaint was presented to the Security Council on 1st January 1948, and the cease-fire line agreement was signed on 27 July 1949. In the UNCIP Resolution of 13 August 1948, accepted by both India and Pakistan, both consented to

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a cease-fire, and to a truce agreement, thus ‘formalizing the military stalemate in existence since the previous spring’, and agreed to the withdrawal of Pakistani forces from the state of Jammu and Kashmir followed by the withdrawal of the bulk of the Indian forces in stages to be determined by the Commission. Part 3 of the resolution laid out the framework for a plebiscite in the state. Even though India’s initial complaint had been earlier verified as legitimate when UNCIP delegates who had arrived in India in early July observed (and were shocked by Pakistan’s admission) that Pakistan had sent troops to the state of Jammu and Kashmir, the August 13, 1948 resolution put Pakistan on par with India.

The U.N. resolutions, passed in the wake of the India-Pakistan war of 1947-1948, called for the people of Jammu and Kashmir to be able to choose between statehood within India or Pakistan, through a plebiscite. It was decided that plebiscite would be held in Jammu and Kashmir as supplementary to the cease-fire and truce arrangements contained in the UNCIP resolutions without coercion or intimidation from the military forces of either country.

The most important issue advocated by the U.S. has been that of plebiscite in Kashmir as a final step in solving the Kashmir problem. This implied that Kashmir is a Muslim majority state so certainly it would vote for Pakistan. Unlike India, the U.S. thought that the partition of Indian subcontinent was based on the two-nation theory. The U.S., by and large, accepted the view, following the UN Resolution of 1948, that the accession was incomplete and Kashmir was a disputed territory.

India agreed to a plebiscite subject to certain specific conditions, the most important of which was that Pakistan should withdraw all its troops and vacate the entire territory of the former princely state of Jammu and Kashmir. Pakistan though forcefully advocates the implementation of the UN resolutions; its lack of sincerity to
implement Clause II of the UN resolution can be seen in its efforts. The resolutions could never be realized because Pakistan refused to vacate the one-third of Jammu and Kashmir it controlled after the war. Though Pakistan argued for implementation of the UN resolution, its basic posture on having military solution to the Kashmir issue did not change. Pakistan's faith in the UN resolutions was thus questionable. Pakistan subsequently further complicated the issue by ceding part of the territory it controlled to China. It was against this background that India initiated democratic process in Jammu and Kashmir and, at the same time, rejected any further role for the UN or any external party in resolving the dispute.

At first, the United States took the position that India was legally within its rights in Kashmir and that any activities on the part of Pakistan or other parties were in violation of this legality.21 The U.S. delegate, John Foster Dulles, as he was before becoming Secretary of State, in the UNCIP Conference in Paris in 1949, sent dispatches to the U.S. State Department that India had an iron clad legal right to Kashmir.22 But the evolving Cold War with the Soviet Union in Iran, Turkey and West Asia forced the US to review the significance of South Asia. With India identified as 'neutral' in the Cold War and increasingly friendly towards the Soviet Union, Pakistan became the focus of American partnership in the strategically vital Southwest Asia abutting the Gulf, Soviet Central Asia, China and India. The policy of containment of Communism affected the Indo-U.S. and Pakistan relations as Pakistan was part of the 'ring of deterrence' and thus involved American security, although the United States is neither afraid of Pakistan nor regard Pakistan as likely to commit

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21 The American United Nations representative endorsed the Indian Position: “External Sovereignty of Jammu and Kashmir in no longer under the Control of the Maharaja... with the accession of Jammu and Kashmir to India this foreign sovereignty went over to India and is exercised by India and that is how India happens to be here as a petitioner”, quoted in Patwant Singh, India and the Future of Asia (New York: Alfred A. Knoff, 1966), p.152.
aggression. By mid 1950’s when Pakistan proved more adaptable to American foreign policy than did India, the United States became increasingly sympathetic towards Pakistan’s position vis-à-vis Kashmir.

The US had a deep interest in the future of Kashmir during the Cold War. The US stance on Kashmir was more influenced by its Cold War strategies than the merits of the dispute. The United States found golden opportunity in Kashmir dispute and its reference to the UN to establish its strategic interest in the region. In the 1950s, suspicion about American policy on Kashmir had reached such a level that in 1953, Sheikh Mohammad Abdullah, the Wazir-e-Azam of Jammu and Kashmir was dismissed, after he had series of meeting in Srinagar with Adlai Stevenson, who was touring Kashmir (among other places) after having lost the American Presidential election. Sheikh Abdullah began to change his position on the status of Kashmir and even toyed with the idea of an independent Kashmir. It was alleged that Abdullah was conspiring with the Americans for the US support for an independent Kashmir in exchange of military base facilities in the state. A meeting in May 1953 with former Democratic Presidential candidate Adlai Stevenson was cited as “proof” that Washington was encouraging the Kashmiri leader to seek independence.

Kashmir Issue: 1954-1970

In 1954 Pakistan became a member of military pacts like CENTO and SEATO sponsored by the United States and offered Peshawar adjacent to the Soviet Union for operation of United States’ military spy plane. This move of Pakistan was mainly to internationalize the issues of conflict between India and Pakistan by inviting the super

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power in the international system to deal with a hostile India from a position of strength.\textsuperscript{24}

Ever since the inception of the Pakistan military alliance with the US in 1954, the solution of the problem between India and Pakistan has become very difficult, if not impossible. The alliance has been the major factor embittering the friendly relations between India and the United States on the one hand and between India and Pakistan on the other.

The military aid pact entered into between Pakistan and the U.S.A. in 1954 created not only a new military but also a new political situation, which became progressively worse because of the flow of military aid to Pakistan and the conclusion of SEATO and the Baghdad Pact. It was not possible for the people of India to forget the events of 1947-48 when, under the guise of tribals, Pakistani troops had invaded the Indian state of Kashmir. A natural consequence of US arms aid to Pakistan was that it aggravated fears of a fresh Pakistani aggression on India. India was convinced that with its added military strength Pakistan would once more seek by force to disturb the \textit{status quo} in Kashmir.

Though Indo-US relations improved during the second term of President Eisenhower, following the 1954 arms pact with Pakistan, the US kept the Kashmir issue alive for displaying its solidarity in the matter to Pakistan. In January 1957, the UN Security Council admitted the Kashmir question. Nehru was upset with the US for agreeing to bring up Kashmir to the Security Council and for its continued support to plebiscite in the state. The Anglo-American pressure on India at the UNSC meeting on the Kashmir question deeply troubled New Delhi and forced it to turn towards the

\textsuperscript{24} Jawaharlal Nehru, \textit{India's Foreign Policy: Selected Speeches, September 1946-April 1961} (New Delhi, 1961), p. 94.
Soviet Union, which vetoed those resolutions in India’s favour. After the Soviets vetoed a resolution calling for staining of UN troops in Kashmir, the Security Council agreed to send its President, Sweden’s Gunnar Jarring, to the subcontinent, who confirmed the deadlock over the dispute. In 1955 when Moscow enthusiastically endorsed the Indian position on Kashmir, the Soviet Union’s Security Council veto ensured that no adverse solution would be imposed upon India. 25 In late 1957, Pakistan again raised the issue before the Security Council. The Council sent another mission to South Asia under Frank Graham, which also turned out to be fruitless.

From 1957 until 1964 there was an improvement in India’s relations with the United States, resulting in increased aid being provided to India. At times this surpassed the amount given to Pakistan, notwithstanding the latter’s closer ties. In dollar figures the US aid to India was $364 million in 1957, $305 million in 1958, and $758 million in 1960, compared to $170 million, $163 million, and $301 million given to Pakistan over the same period. 26 It should be noted that US aid to India was economic and had little or no military components, except during the Sino-Indian war of 1962. The American decision to boost aid to India was prompted by the belief that if India lost out to China in economic competition, it could mean millions of people lost to Communism. 27

At the time when India was under threat of Chinese attack in 1962, the attitude of the United States toward the Kashmir issue was somewhat compromising. It put

27 This view of any kind of economic competition was not shared by Indians and was probably an American reaction intended to prevent another “China” from taking place. However, the weakness of Indian Communist parties and the strength of the centrist Congress Party attest to this view as being a mistaken reading of the situation. For details, see Robert J. McMahon, The Cold War on the Periphery: The United States, India and Pakistan (New York: Columbia University Press, 1994), pp. 34, 172, 219-20.
pressure on India, while providing military aid to her, that she should reach a final settlement of the dispute with Pakistan over Kashmir and urged that if the dispute was to bepeacefully resolved, there should be bilateral talks between the two parties.

In October 1962 India suffered the most humiliating military debacle in its post independence history, at the hands of the Chinese People's Liberation Army (PLA). The outcome of this conflict had far reaching consequences for Indian foreign and defence policies. The harsh defeat that the Chinese PLA had inflicted on the Indian Army called into question some of the most deeply held percepts of Nehru’s foreign and defence policies.

During the Sino-Indian border conflict of 1962, Pakistan seeking to avoid American displeasure chose not to open a second front. In the aftermath of the conflict, in December 1962, an Anglo-American mission led by Averell Harriman, a former U.S. ambassador to the Soviet Union, and Duncan Sandys, the British minister of defense, arrived in India. The purpose of this mission was to persuade Nehru to settle the Kashmir dispute with Pakistan on terms that would be acceptable to Pakistan. Despite considerable reservations, Nehru agreed to hold talks with Pakistan on Kashmir. Shaken by military debacle and India's need for the military assistance from the Western power to contend with the Chinese military threat, Nehru was hardly in a position to act otherwise.

However, five rounds of talks between India and Pakistan produced no progress on Kashmir, in large part because Pakistan and China in March 1963 “settled” their own territorial dispute in an agreement that gave China some 2,000

square miles of disputed Kashmir. Indian leaders were predictably furious maintaining that Pakistan had in essence, illegally negotiated away Indian territory.29

**Indo-Pakistani War of 1965 and the US Attitude**

In 1965 Pakistan launched Operation Gibraltar to seek military solution of Kashmir problem. This led to war between India and Pakistan in August-September, 1965. India’s 1962 humiliation, its rapidly increasing military power, and political discontent in Indian Kashmir itself combined to convince Pakistani leaders that they had a brief window of opportunity to wrest the territory away from New Delhi. According to Ian Talbot, the normally cautious Ayub needed a success in Kashmir to bolster his generally failing fortunes and gambled on Operation Gibraltar.30 Actually, Kashmir gave him a ready excuse since he could argue that Pakistan had never reconciled to the present status of the cease-fire line. Therefore, crossing the line from the Pakistan standpoint was never unjustified. However, skirmishes started not on the mountains of Kashmir but in the mud of the Rann of Kutch. Then followed the incursions across the cease-fire line, which went on to a full-fledged war.

The United States expressed its deep concern when the war between India and Pakistan broke out. Secretary of State Dean Rusk called in the Ambassadors of India and Pakistan and conveyed to them his country’s concern about the war. He urged the two countries to give heed to the appeals issued by the UN Secretary-General, U Thant, for each party to pull back to the cease-fire line of 1949.31 The US government felt that the war not only posed a threat to the peace of the sub-continent but also represented a potential “threat to world peace”, a threat which could involve more

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countries. At the final stage of the war, President Ayub Khan of Pakistan is reported to have appealed to President Lyndon B. Johnson of the United States to use his “enormous influence” and to intervene on behalf of Pakistan to bring about a settlement of the Kashmir issue that would be acceptable to Pakistan. He thus sought to gain US sympathy and support on the Kashmir issue. Pakistan, at best, did not alter the status quo and at worst lost face. After accepting an UN-proposed cease-fire, India and Pakistan agreed in the Soviet-brokered Tashkent Agreement to return to the status quo ante in Jammu and Kashmir.

During the 1965 War, the United States had reacted mildly to Pakistan’s attack across the case-fire line in Kashmir in September 1965 and sharply to India’s counter attack in Punjab. By suspending aid to both, the United States indicated its attitude of treating Pakistan – to aggressor – and India – the victim – on an equal footing. After all, the US knew that it was Pakistan that initiated the aggression, a repeat of 1947-48 and India had to respond.

According to an American scholar, Robert J. McMohan, “The war had been precipitated by Ayub’s decision in early August 1965 to send Pakistani ‘volunteers’ into Kashmir. A gradual escalation had ensured, culminating on September 6 with an Indian invasion on Pakistan”. McMahon argued that the end result was that it was Soviet diplomacy rather than American that “ultimately facilitated a diplomatic settlement” in the subcontinent.

The use of the America’s arms by Pakistan during the Indo-Pakistan war of 1965 further embittered the relations between India and USA. The US Government

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had assured India time and again that it would not allow Pakistan to misuse the arms supplied by it. India now pointed out that every Indian casualty in the war had been caused by a US weapon.\(^{35}\)

After the Indo-Pakistan war of 1965 the United States disengaged itself from South Asia. Disenchanted with the failure of various efforts to bring the two antagonists to settle their central dispute, the United States diverted its efforts to the prosecution of the war in Southern Asia.

1971-1988: Bangladesh Crisis and Post Bangladesh Phase

After six year of Pakistan invasion in 1965, the US administration would once again tilted towards Pakistan which unleashed a large scale massacre of innocent people in East Pakistan and the end result was the division of Pakistan and the Simla Agreement that subsequently became the basis for any future solution of the Kashmir problem. When the Indo-Pakistani War broke out in December 1971, the US government openly supported the West Pakistani military junta in disregard of US public opinion as expressed by the US press and by Congressmen, Senators, and other important sections of the American public.\(^{36}\) It also held India responsible for the crisis in East Bengal. It hurled all manner of accusations at India for the dismemberment of Pakistan.

The Bangladesh Crisis in 1971 reveals the decisive influence of the United States of America on Pakistan in its conflictual relationship with India. First of all U.S.A sought to protect the interests of Pakistan by trying to secure cease-fire through the Security Council. But after this move was stalled on account of use of veto by


Soviet Union, U.S.A moved her Seventh Fleet towards the Bay of Bengal on the plea of evacuating US citizens from East Pakistan. The despatch of nuclear powered aircraft carrier Enterprise was clearly a move for military blackmail of India. The United States did not condemn Yahya Khan’s military atrocities on East Pakistan. The Nixon Administration tended to see the crisis in the eyes of Yahya Khan in terms of Indo-Pak conflict.

In contrast, the Soviet Union condemned Pakistan for its atrocities in East Bengal and called upon the Pakistani authorities to reach a political settlement with the elected representatives of East Bengal. It also supported India’s stand. It was natural; therefore, that India should move closer to the Soviet Union and enter into a Treaty of Peace, Friendship and Co-operation with the Soviet Union on 9 August 1971.37

The defeat of Pakistan in the 1971 Bangladesh war and the liberation of Bangladesh, changed the strategic environment in South Asia and as a result of this India emerged as a strong regional power and kept outsiders at a distance as it sought to reach a bilateral understanding with Pakistan. It came as big jolt to American policy, which was based upon the principle of parity between Pakistan and India.

The fall of Dacca in December 1971 was acclaimed by Mrs. Gandhi as a victory in a “1000 year struggle” from the ramparts of the Red Fort in Delhi.38 Mrs. Gandhi and Zulfiqar Ali Bhutto met in the Indian hill station of Simla in late June and

37 Article IX of the treaty states:
“Each High contracting party undertakes to abstain from providing any assistance to any third party that engages in any armed conflict with the other party. In the event of the either party being subjected to an attack or a threat thereof, the High Contracting parties shall immediately enter into mutual consultations in order to remove such threat and to take appropriate effective measures to ensure peace and the security of their countries.”

early July.\textsuperscript{39} The Simla Agreement that formalized in July 2, 1972 underlined the resolve of both countries to settle differences through bilateral negotiations or by other peaceful means mutually agreed upon which include Kashmir as well. It also specified that both nations would respect each other’s territorial integrity, political independence and sovereign equality, in accordance with UN Charter. With regard to Jammu and Kashmir it was decided that the Line of Control (LoC), resulting at the time of the ceasefire on December 17, 1971 should be respected by both countries. The tacit understanding reached was that the LoC would gradually emerge as an international border and, thus, the Kashmir issue would be settled.\textsuperscript{40} For India, Simla had supplanted the UN resolutions as a point of reference for resolving the Kashmir dispute.

Following the advent of Simla Agreement of 1972, the Kashmir dispute disappeared suddenly from the global discussion tables. Fed up with their continuous bickering over the modes of approaching the Kashmir dispute, the international community felt somewhat relieved when Simla accord was signed in which the principle of bilateralism was encouraged. The US was receptive to the spirit of the Simla accord. The Simla accord, nonetheless, led to a change in the US stance toward the Kashmir dispute. Previously, the United States stood behind relevant UN resolutions, including the call for a plebiscite. After 1972, Washington shifted ground; the US position since Simla has been to support any settlement the Indians and Pakistani were able to work. The United States pursued a low profile policy in the South Asian region conceding the fact that India was the leading power in the

\textsuperscript{39} For a rare attempt to juxtapose Indian and Pakistani interpretations of Simla see P.R. Chari and Pervaiz Iqbal Cheema, \textit{The Simla Agreement, 1972: Its Wasted Promise} (New Delhi: Regional Center for Strategic Studies and Manohar, 2001).

subcontinent. Henry Kissinger visited India from October 27-30, 1974. The tone of his visit was mixed, but generally positive, and reaffirmed the US support to the Simla process (i.e. India and Pakistan to resolve their disputes bilaterally without outside interference).

The breakup of Pakistan after the 1971 war dealt a significant blow to the Pakistani irredentist claim on Kashmir. Many Indian political commentators promptly questioned Pakistan’s claim on the Muslims of Kashmir when it could not keep its two wings together on the basis of religious faith. Indians point to Bangladesh as proof that Jinnah’s call for a separate religion based homeland for the subcontinent’s Muslims was untenable.

If we analyze the US perception of the Kashmir dispute during the Cold War days, we would conclude that the United States have been consistently tried to take sides with Pakistan and it never appreciated India’s stand on the question. To quote Norman D. Palmer: “American views on Kashmir have been more sympathetic with Pakistan than with the Indian case, an attitude reflected in votes by American representatives whenever the Kashmir question has been brought before the Security Council”.

This fact was even acknowledged by Secretary Rusk, who said: “broadly speaking we have supported the Pakistan view that the wishes of the people of Kashmir are highly relevant to a permanent solution.”

During the Seventies and Eighties, the Indian subcontinent gradually became a more volatile region with the emergence of a variety of new security threats and challenges. The most critical event shaping the political history of the subcontinent

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41 The key documentation of the visit can be found in the US Department of State Bulletin, 71:1848, (November 25, 1974), pp. 704-714.
during this period was Soviet intervention in Afghanistan in December 1979. After the Soviet intervention in Afghanistan, the second cold war, which had already started, assumed serious dimension. Before the Soviet intervention, U.S.-Pakistani relations were at their lowest ebb; the US security assistance to Pakistan had stopped because of latter's nuclear programme. Pakistan’s relations with the United States improved with the Soviet invasion of Afghanistan. The United States planned to assign a greater role to Pakistan in its strategy against Soviet “expansionism.” Assistance followed immediately, and during the Reagan era Pakistan developed a cordial relationship with the United States that it had never managed in the past. The reason was obvious: Pakistan had become a frontline state in the war against Communism for the duration of Afghan War. The massive influx of US arms into Pakistan not only poses a great security problem for India; it even made Pakistan more adamant towards the outstanding bilateral issues.

When the Soviet invaded Afghanistan in 1979, India failed to join in the near-universal condemnation. U.S. strategic designs for the region resulted in a perceptual gap between India and the United States. While the latter formulated its policies with a global view of the security relationship in the region, India perceived the problem from a regional and national security angle. The Afghanistan issue did create difference of opinion between India and the U.S.S.R, for even as India understood the various considerations impelling Moscow as also the fact that the Government in Kabul had asked for Soviet assistance, India was not in favour of the presence of foreign troops and stood for an overall political settlement that would ensure withdrawal of Soviet troops as well as the end of interference from across
Pakistan's frontiers in the shape of material assistance to rebel elements. For India, however, the Kabul issue was somewhat overshadowed by the virtual military alliance between Islamabad and Washington. For India the issue of a rearmed Pakistan assumed significance while the Soviet role in Afghanistan became secondary since it did not directly affect its security.

Over the period 1982-1987, the relationship between India and the US took a decidedly positive turn. Indian Prime Minister Indira Gandhi went to the United States in July 1982- a visit, which she described as an “adventure in search of understanding and friendship.” Mrs. Gandhi’s eight-day New York to Honolulu safari was a considerable success as a public relations exercise. An aid in her entourage said more succinctly that the purpose of his visit was “to eliminate American cussedness towards India.” It may be noted that Mrs. Gandhi’s visit to the United States was at Reagan’s behest. President Reagan too described her visit as a “dialogue of discovery.” Both the leaders showed a better understanding of Indo-U.S. relations and agreed to work for an era of more friendly and co-operative relations.

During her visit Mrs. Gandhi made it clear that Indo-Soviet friendship should not come in the way of relations with the United States. Appearing on the prestigious “Meet the Press” programme of the NBC, she said that India might seem to be pro-Soviet but “we have not allowed one friendship to over-shadow another ... or influence our decisions or actions.” She emphasized that every relationship need not mean agreement on all points. She said that there was a tendency in the U.S. “to read much more in the treaty of friendship and cooperation (with the Soviet Union). It is

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exactly what it says – a treaty of friendship. That remains.” She added: “Our relations with the Soviet Union are not cooler. They do not agree with our view on everything, on Afghanistan or some other matter. We certainly do not agree with the Communist or Marxist system. ... But this does not affect our overall policy of co-existence with as many countries as possible.”

With the end of the Afghan war, the Bush administration found itself unable to certify to the US Congress that Pakistan had no nuclear weapons programme and consequently found it difficult to provide military aid. Moreover, the strengthened US presence in the Gulf in the 1990s has reduced the importance of Pakistan as a link to the Gulf states. Also, the end of the Cold War reduced Pakistan’s strategic importance to the United States, and attention was increasingly focused on Pakistan’s nuclear capability and its potential to destabilize South Asia.

1989 to First Clinton Term

The Kashmir issue became relatively calm after the Simla agreement until December 1989 when the terrorist struck the state. The year 1989 saw the onset of a political insurgency and the rise of a secessionist movement in the Kashmir valley. It was a well-known fact that the Kashmiri militancy started with the formation of the Jammu and Kashmir Liberation Front (JKLF) in 1989 with the assistance and encouragement of Islamabad. During the initial phase of militancy there may have been some understanding between Amanullah Khan’s JKLF and ISI, but once the militants got the moral support by the local Kashmiries in the name of Azadi, Pakistan’s ISI began marginalizing the JKLF militants and support the pro-Pakistani Hizbul-Mujahideen and ultimately handed over the command and control of militancy to the non-Kashmiri militants. Although the movement enjoyed massive popular support in the valley, the major militant groups including the Jammu Kashmir
Liberation Front (seeking the independence of Kashmir and its unification with Pakistan-occupied Kashmir in an independent state) and the Hizbul-Mujahideen (seeking the integration of Indian Kashmir with Pakistan), received both financial and military support from Pakistan.

Encouraged by the complete break down of law and order and the collapse of the civil administration in the valley, Pakistan carried out its military exercise, Zarb-e-Momin, in the winter of 1989. Pakistani troops were moved along the Line of Control, which resulted in India moving three divisions from the eastern to the western sector. The Indian objectives were two-fold: to counter the border crossing of Pakistani jihad militants into both Kashmir and Punjab, and to respond to Pakistan’s enhanced military presence along the international border and Line of Control. The US responded to this military exercise with great concern and felt that Pakistan’s involvement in the secessionist movement in Kashmir had the real potential to escalate into a nuclear conflict in the sub-continent. With regard to the Kashmir issue, the Bush administration reasserted its stance on the Simla agreement as the only framework for the resolution of Indo-Pak differences. In a written statement to the Congressional hearings on South Asia on 6 March 1990, John Kelly, US Assistant Secretary of State for Near Eastern and South Asian Affairs, made the administration’s position clear. He wrote: ‘The United States thinks that the best framework for a resolution of this dispute can be found in the 1972 Simla Agreement, in which both India and Pakistan agreed to resolve their dispute over Kashmir peacefully and in bilateral channels, without prejudice to their positions on the status of Kashmir.’

As is well known that the Kashmir issue has difficult historical, religious, ethnic, socio-political and economic dimension. Both India and Pakistan strongly support their national positions on Kashmir. Both appear locked into their respective bargaining positions due to domestic pressure and competing vision of national identity. Even as they confront the Kashmir problem, both are faced with crises of internal political authority and institutional decay. At the very moment that both need legitimate authority and strong institutions to cope with the dissatisfactions of ethnic, religious, and linguistic minorities, they are beset instead by a growing questioning of political authority and a weakening institutions.

The problem of militancy in Jammu and Kashmir has been discussed by a large number of political analysts in various books, journals, newspapers and mass media programmes. More often, these analysts have either held Pakistan responsible for the acts of violence in the state, or have blamed the state administration for rigging state assembly elections in 1987 to cause militant insurgency or have held the state and central governments responsible for not providing employment to the youth of the state, who in acute desperation have resorted to violence to let their steam off. There is no denial of the fact, that the reasons cited above have helped in creating an explosive situation in Jammu and Kashmir, but in order to understand the reasons of popular support for the armed struggle in the state, one needs to study the problem in its historical, geo-political and socio-economic context as well.

The problem of militancy in Jammu and Kashmir is the consequence of various sequential events. These events, which became the inspiration, source and resource of militancy in the state, occurred both internally as well as externally.48

Among the beneath the surface internal causes of militancy in the state, the most important ones include the deep-rooted desire of Kashmiri nationalist to create an independent Jammu and Kashmir; the preference of Muslim nationalists and Islamists in Kashmir to merge the state with Pakistan; the anxiety of Kashmiris about the erosion of autonomy of state; the popular discontent about lack of socio-economic development, mal-administration, corruption, unfair elections, growing unemployment and class disparities. The important external factors responsible for eruption of the militancy in the state include the disintegration of Pakistan in 1971 as a result of Indian interference, the involvement of Pakistan in the cold war between US and USSR in Afghanistan, the Islamic revolution in Iran, disintegration of Central Asian Republics from Russia, Khalistan movement in Punjab, the involvement of Kashmiris and Pakistanis in anti-Indian political activities in Pakistan, Europe, America and West Asia, for the liberation of Kashmir from India.

Kashmir reflects the growing and larger crisis of India's political institutions. The insurgency in Kashmir demonstrates the dangers states face when political mobilization occurs against a backdrop of institutional decay. The institutional decay over the past two decades has included the steady organizational decline of the once-dominant Congress party, the politicization of the civil services and judiciary, the reliance on the military to restore public order, and the overall lack of probity in public life. Moreover, from the early 1970s governments became increasingly centralized, resulting in conflicts between the central government and emerging elites in different parts of India that frequently ended in the dismissal or subversion of legally constituted state governments. Demands for state-level autonomy, often portrayed as "threats to national integrity," provided a justification for the imposition of the central rule, which further alienated local elites and populations and added to
provincial resentment. Kashmir thus, has to be seen as part of this broader dialectic of Indian politics.

Numerous sources reveal that Pakistan had tried to foment ethnic tensions in 1965 but failed, as Kashmiriyat appeared to be stronger than ever. But this did not happen in 1989 and the onus of responsibility for destabilization in Kashmir rests on India. 'India remained primarily responsible for the continuing political crisis in the valley of Kashmir.'

The 1980s also saw an increased level of central intervention by New Delhi in Kashmir affairs. Authoritarian rule was declared several times (1984, 1986) as elected state governments were removed on central authority. This reflected a wider pattern of central government intervention in India as a whole, but it left many Kashmiris doubting the ability of democracy to produce representative administration that would be respected by New Delhi.

Elections in 1987 in the Indian-controlled sector were widely regarded as fraudulent, as a coalition of opposition parties, the Muslim United Front (MUF), were cheated of many seats. The exact extent of rigging remains difficult to assess, but an anonymous source at the Indian Intelligence Bureau claims that approximately 13 seats may have been lost by the MUF because of electoral malpractice. The same source comments that such electoral hijacks were quite unnecessary since the political opposition could never have won a majority of seats even in a free and fare election. Electoral rules, fragmented opposition, and strength of the Congress (I)-NC combine made the cartel almost unbeatable. Fed up with electoral politics, the MUF activists

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later formed the nucleus of the armed insurgency and they sought alternative means to translate political demands into Indian government concessions.\footnote{Alexander Evans, "Warlordism and Political Violence in Jammu and Kashmir, 1988-97: Gun Rule?", in Paul B. Rich (ed.), \textit{Warlords in International Relations} (Great Britain: MacMillan Press, 1999), p. 146.}

The origins of insurgency in Kashmir can be located in the clash of competing nationalist visions, rampant electoral malfeasances, the rise of frustrated middle class, or the breakdown of a composite Kashmiri cultural identity.\footnote{For a variety of explanations for the origins of Kashmir crisis, see Raju G.C. Thomas, ed., \textit{Perspectives on Kashmir: The Roots of Conflict in South Asia} (Boulder, Colo.: Westview, 1992). Also see Asghar Ali Engineer, ed., \textit{Kashmir: Secular Crown in Fire} (New Delhi: Ajanta Publications, 1992).} These explanations, though not without merit, are at best partial.

Two interlinked forces of political mobilization and institutional decay best explain the origins of insurgency in Kashmir.\footnote{Sumit Ganguly, "Explaining the Kashmir Insurgency: Political Mobilization and Institutional decay," \textit{International Security}, Vol. 21, No.2 (Fall 1996), pp. 76-107.} On the one hand, the developmental activities of the Indian government gave rise to accelerated political mobilization in Kashmir, making a younger generation of Kashmiris more conscious of their political rights. Simultaneously, on the other hand, the government was also responsible for the de-institutionalization of politics in the state,\footnote{The Classic statement of this problem of political mobilization and institutional decay is Huntington, \textit{Political Order in Changing Societies}.} which drove the expression of political discontent into extra-institutional contexts. The failure of governments to accommodate rising political demands within an institutional context culminated in political violence. Such dangers are especially acute in poly-ethnic societies when politicized and discontented ethnic minorities encounter few institutional channels for expressing political dissent. The emergence of a movement for self-rule by a younger
The distinguished Kashmiri Indian scholar, T.N. Madan, has been a close observer of developments in his home. See T.N. Madan, Modern Myths, Locked Minds (New Delhi: Oxford University Press 1997), pp. 257 ff.

evidence of Pakistani involvement in the Kashmiri militancy, it failed to prompt the Bush Administration to declare Pakistan as a state sponsoring international terrorism.

Here one should remember that Jammu and Kashmir is one of the few Indian state, which is the victims of foreign sponsored and cross border terrorism. The terrorist and separatist elements seek to separate Jammu and Kashmir from India and for that purpose indulge in the ruthless violent activities, often murdering the innocent people and destroying their property. The Indian security forces have to operate in such difficult circumstances to defend the territorial integrity of the country. In such situation, there may be few cases of excesses.

An analysis of Pakistan’s policy perspective on the Kashmir issue suggests that it has used both military means as well as diplomatic approaches. Whenever Pakistan felt that its military strength would deliver its objective of wresting Kashmir from India, it did not hesitate to use force. However, whenever it has felt that it is weak or has realized that international public opinion would not allow it to have a military approach, it has talked of bilateral discussions. Pakistan has constantly called for third party intervention and feels that its close allies would favour her in the arbitration. To prove that bilateral negotiations are futile, Pakistan has not only pursued its single point agenda but refuses to discuss other bilateral issues. Bilateral relations have not moved forward due to Pakistan’s single-minded pursuit of its political agenda on the Kashmir issue.\textsuperscript{57}

Pakistan insists that Kashmir is the ‘core issue’ preventing the normalization of relations with India. For India too, it is a core issue because India cannot allow any part of its territory and any of its people to be alienated from the Indian republic on

the basis of religious affiliation. Such an eventuality would destroy the basic terms of reference on which independent India came into existence, in terms of reference of a pluralistic, multi-religious, multi-lingual, national territorial identity.

Unfortunately, Benazir Bhutto, who had restored democracy to Pakistan and became the country’s Prime Minister in 1989, failed to learn from the international trend of conflict resolution. She preferred to create trouble for India in Kashmir by seeking to capitalize on the brewing unrest in that northern state of India. She echoed her father’s pledge to fight India for a thousand years over Kashmir. Yielding to populist sentiments, combined with the pressure from sections of the Pakistan Army general staff and the powerful Inter-service Intelligence Agency, she acquiesced in authorizing support to the Kashmir “freedom fighters”.

In keeping with the hard-line stance of putting the resolution of Kashmir before normalizing relations with New Delhi, Benazir adopted a very high profile internationally. In fact, through the years, she has been traveling outside Pakistan for at least 10 days every month or so. Whether it was visiting Bosnia in the company of Tansu Ciller, the Turkish Prime Minister or attending the International Conference on Population and Development in Cairo, or speaking to the captains of world industry in Davos, Switzerland, the common thread in her strategy was Kashmir. Very early on in her second term, she had made her intentions on internationalizing the Kashmir issue by making a last minute move at the 48th session of the UN General Assembly in November 1993, to inscribe Kashmir on the human rights agenda. The move did not pay off, but it was generally regarded as an attempt to test the waters in the international lake.

Kashmir also came to play a role in the domestic politics of Pakistan. In Pakistan Kashmir was a helpful diversion from the daunting task of nation building
and there are powerful Kashmiri-dominated constituencies in several Pakistani cities. The Kashmir issue was also dynamically linked to the developments in Pakistan’s domestic crisis. The ruling parties in Pakistan always used Kashmir problem as the best tactics to divert attention of their people, in the failure of their governance.

After the disintegration of the Soviet Union, Jammu and Kashmir has assumed a new geo-strategic importance. Geo-strategic location of Jammu and Kashmir has assumed its own importance with the changing balance of forces in the region. It is relevant to recapitulate the various factors, which have led to the new importance of Jammu and Kashmir in geo-strategic politics.

First, the Jammu and Kashmir state is the northern most part of India. The land-lockedness of Kashmir with distinct geographical, social and cultural personality has helped in shaping the ‘hill psychology’ of Kashmiris. Kashmir is strategically important due to its geographical position. Much of the suffering of its people is due to its extremely strategic location. Jammu and Kashmir has border on Pakistan, Afghanistan, and the Xinjiang and Tibet parts of China. Only a few miles separate it from the former USSR, the Central Asian Republics of Tajikistan, Turkmenistan and Uzbekistan being nearest.

Second, Pakistan’s ambition to destabilize Jammu and Kashmir and reverse the wheels of history is still valid as before. This facet of Pakistan’s policy is being minimized both by the western countries and USA. In this sense what happens in Afghanistan after the recent developments will have a direct bearing on this strategic part of India.

It clearly stands out that General Musharraf is under heavy pressure from the extremists in his own country, though in recent period he has begun to take some measures to contain extremism and religious fundamentalism. Playing up Indo-Pak conflict on future of Kashmir is the only escape route he has. His strategy therefore is to focus the attention of his people on Kashmir on one hand and to internationalize this issue on the other with a view to pave the way for third-party intervention. The situation may take an ugly turn if Pakistan does not reverse its policy of cross-border terrorism in this strategic part of India. The possibility of unpredictable developments including armed conflicts between India and Pakistan cannot be completely ruled out.

Third, it is now a well-known fact that oil resources of the Gulf region are decreasing. With this development oil wealth of the Central Asian Republics will play a key role in geo-political interest of Pakistan and its mentors in the Central Asian Republics. Seen in this context the entire belt of Jammu and Kashmir, Pakistan, Afghanistan to Central Asian Republics has assumed a new geo-strategic importance. Pakistan wants to become a key player in this region.

Because of its geographical location Kashmir, with its frontiers with the Tajik Republic, China and Afghanistan, closely involves India’s international security and contacts with other countries. Kashmir is related to India owing to its economic importance as the Caravan trade routes from Central Asia to India also pass through this state.  

From the early 1990s, a clear shift was discernible in the US perspective on Kashmir. Two important moves by the Bush administration in 1990 seemed to confirm the possibilities. It confronted Pakistan’s nuclear weapons programme in 1990 by imposing sanctions and suspending military cooperation under the Pressler

Law. The Pressler Amendment, enacted in 1985, specified freezing of US aid and
government-to-government military sales to Pakistan, unless the US president
certified at the beginning of each fiscal year that Pakistan "...did not possess a nuclear
explosive device and that the proposed US assistance programme will significantly
reduce the risk that Pakistan will possess a nuclear explosive device." 60 Furthermore,
its declaration in August 1990 that the UN resolutions on Kashmir were no longer
relevant appeared to offer the prospect of a restructuring of the triangular relationship
among New Delhi, Islamabad and Washington, and this time in India’s favour. 61 In
the early parts of 1990 and 1991 it started agreeing with Indian stand that the 1972
Simla Agreement had superseded the UN resolutions calling for plebiscite. In place of
a plebiscite, the US began favouring bilateral negotiations within the framework of
the Simla Agreement. In the hearings of the subcommittee on Asia and Pacific Affairs
of the House Committee on Foreign Relations in March 1991, Deputy Secretary of
State Teresita Scheffer, stated that the UN Resolutions on plebiscite in Kashmir,
strongly supported by the US in the past, were no longer tenable and the US presently
was in favour of bilateral negotiations within the framework of the Simla Agreement
of 1972. 62 The US commitment towards bilateral negotiations prevented Pakistan
from raising the issue of Kashmir in the Security Council.

US perception of the Kashmir problem seemed to have changed from the
statement of the CIA Chief confirming that Pakistan has supported the Kashmiri and
Sikh groups who have been waging long-running insurgency against India’s central
government. The post-cold war change in the US perception of Kashmir was first

60 Dennis Kux, op. cit., n. 2, p. 413.
61 C. Raja Mohan, Crossing the Rubicon: The Shaping of India’s New Foreign Policy (New Delhi:
Viking 2003), pp. 96-97.
62 B.K. Srivastava, “Indo-American Relations: Search for a New Equation”, International Studies,
witnessed in 1990 at the peak of crisis in Kashmir. In May 1990, Robert Gates mission visited the Indian subcontinent and Pakistan was condemned for aiding the terrorist in Kashmir and Punjab and asked Pakistan to close down camps for training Sikh and Kashmir militants. Although Robert Gates expressed grave concern over the situation in the valley, he pointed out to the President and Chief of the Army of Pakistan that there were inherent difficulties in the Pakistani stance and that 'if they were to start a war with India, they could not on count any help from the United States.' Arguing against resort to force and proposing confidence-building measures, Gates warned leaders of both countries, that relations with the United States would suffer badly if they went to war. The United States, anxious about the possibility of an India-Pakistan conflict escalating into all out nuclear war called on the two countries to avoid steps “which would lead events to spin dangerously out of control.” Despite skepticism within the US government about its ability to resolve the underlying India-Pakistan conflict, the risk of nuclear confrontation impelled Washington to involve itself more directly in subcontinental affairs. The American scholars as well as officials have been seeking to create an impression that one of the best ways to resolve the nuclear issue between India and Pakistan is through the resolution of the Kashmir problem between the two countries.

The United States responded to increasing friction between India and Pakistan over Kashmir, beginning in early 1990, by strongly encouraging both governments to continue to institute confidence-building measures. Measures adopted so far include: agreement on advance notice of military movements; establishment of a military commander “hotline”; an exchange of lists of nuclear installations and facilities;

agreement not to attack each others nuclear facilities; a joint ban on the use and production of chemical weapons; and measures to prevent air space violations. The United States has also suggested that India and Pakistan should consider the following steps: the opening of an Indo-Pakistani dialogue on Kashmir, leading initially to the demilitarization of the Siachen Glacier area; a mutual reduction of conventional arms and defense expenditures; an agreement by both countries to stop involving themselves in each other’s regional unrest; restarting talks at the foreign secretary level; and the opening of trade ties between India-Pakistan.

The US election of 1992 resulted in the coming of a democratic administration which was welcomed by India as it nurtured an ill conceived expectation that, now Pakistan would be branded as a terrorist state for it’s open support to terrorism in Kashmir and the proxy war which it is waging against India. But India’s hopes were shattered as the US despite its warning to Pakistan – to prove within six months that it was involved in terrorist activities in Kashmir, else it would be declared a terrorist state-failed to do so as it feared that such a move would give a tremendous boost to Islamic fundamentalism and hamper American interests in the region.

The early years of the Clinton era were not positive for Indo-US relations. The Clinton administration’s renewed emphasis on Kashmir became the focal point of Washington’s twin concerns of proliferation and human rights abuse. Clinton administration saw Kashmir from a non-proliferation perspective formulated by US intelligence agencies, viz. India and Pakistan who have fought two wars over Kashmir have nuclear capability now. This way, South Asia becomes a prospective area of nuclear exchange and therefore Kashmir deserves American intervention. In the first fifteen months, the Clinton administration used Kashmir issue as a tool to pressurize India to accept its nuclear non-proliferation regime.
The end of the Cold War gave birth to a series of self-determination movements in the Soviet Union, Yugoslavia, and certain other countries that had adopted the Soviet model. These developments, coupled with the end of the bipolarity, were responsible for introducing a marked indecisiveness in US foreign policy. Human rights emerged as an important parameter of American foreign policy. The sympathetic perspective of Kashmir’s separatist movement can also be traced to the issue of human rights.

Throughout 1993, the US stressed upon India to improve its human rights record in Kashmir since Pakistan harps on violation on human rights in Kashmir, whether at the U.N. or the Organization of Islamic Countries. The emphasis on human rights was coupled with the realization that the Kashmir problem involved a much larger issue, i.e., the right of self-determination of the people of Kashmir. Although, throughout the Cold War period the US also held the view that Kashmir was a disputed territory but it never questioned the validity of its accession to India. But the most significant aspect of the US’ Kashmir policy under President Clinton was that it questioned the very legality of Kashmir’s accession to India and denounced India for human rights abuses in the state. Pakistan repeatedly pleaded for US intervention in the Kashmir dispute. Though the US was not interested in interfering in the Kashmir issue, it was willing to mediate if both the parties to the dispute agreed to it. As India opposed third-party mediation in Kashmir the US intervention remained a non-starter.

This shows that Clinton was shifting from the earlier stand of the Bush Administration, which was further substantiated by the appointment of Robin Raphael

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as Assistant Secretary for South Asian Affairs. She questioned the very accession of Kashmir to India. She declared that:

We do not recognize the 'Instrument of Accession' as meaning that Kashmir is forever an integral part of India. The people of Kashmir have got to be consulted in any kind of final settlement of the Kashmir dispute.66

She argued the whole of Kashmir as “disputed” with three contending parties – India, Pakistan and Kashmir. She also down played the Simla Agreement and added a new dimension to the controversy by stating that the Kashmiri should be active participants in ultimate peace negotiations for deciding the future of Jammu and Kashmir. Stephen Cohen noted that in the past, the US had never publicly challenged the legitimacy of the accession of Kashmir to India. Yet at this time, ‘in a series of speeches and informal addresses, the traditional American position on Kashmir was altered so that the US now openly declares all of Kashmir to be disputed territory.’67 Recognizing the Kashmiris’ right of self-determination was nothing short of questioning the very concept of an integrated India. This contradicted the Indian stand that Kashmir was an integral part of India as much as Texas was part of the United States. The statement of Robin Raphael invited sharp reaction from the Indian government, press and opposition parties as it showed Washington’s recognition of Kashmir as an independent party to the dispute. The US statements were described as “hostile”. India believed that such statements encouraged the militants of keeping their hopes of success alive. Even the Prime Minister of India, Shri P.V. Narasimha Rao was reported to have observed that the latest statement of South Asian Bureau of

66 Cited in, Times of India, October 30, 1994.
State Department implied that Indian Independence Act, 1947, framed by the British Parliament, was not valid.

The post Cold War era seems to have brought changes in the US perception of Kashmir due to its strategic location and therefore, Kashmir’s accession of India was challenged by Robin Raphael by asserting that US did not consider it final. In place of condemning the statement made by Robin Raphael, it rather became the Clinton administration’s official view. With the supportive attitude of the US, Pakistan has been successful in linking the Kashmir issue to the violation of human rights and also making it a center of international attention. Too much American attention towards a dispute in Kashmir involving the right of self-determination encourages the insurrection, sustains Pakistan false propaganda and complicates the task of restoring democracy there and disturbs Indo-US relations.

The US officials regularly visited Kashmir and met with the leaders of secessionist movement. The United States conceded that the militants carrying on terrorist activities in Kashmir were receiving support from Pakistan but at times, it exonerated the government and shifted the blame to private fundamentalist organizations. The greater emphasis on human rights undermined much of the Pakistan promoted Islamic fundamentalism that had become dominant in Kashmir. It thus accepted the claims of the government of Pakistan that it was only extending political and moral support to the people of Kashmir in their struggle to decide their own future. The government of India could not agree with the assessment.

The US Administration carried the anti-Indian tirade further by highlighting India’s allegedly “poor” human rights record in J&K and Punjab. Clinton’s reference to Kashmir in his address to the United Nations General Assembly “.... Bloody
ethnic, religious and civil wars range from Angola to Caucus to Kashmir, evoked popular resentment. US supported Pakistan by accusing India of violation of human rights in Kashmir without monitoring the gross violation of rights in Pak occupied Kashmir.

The Clinton administration was emphatic on human rights, which it had linked to its economic pursuits and aid policy to India. Alleged human rights violations in Kashmir and Punjab caused the US Congress to amend a foreign aid bill in June (1993), cutting assistance by $24 million to a group of countries that includes India. India’s economic weakness is linked to human rights thereby making the government vulnerable to international pressure. Even US developmental aid to India is linked to the question of human rights.

India contended that some violation was inevitable when a government was dealing with insurgency. However, it was punishing those who were found guilty. The United States later conceded that there was an improvement in the situation. With the establishment of National Human Rights Commission, India took several measures to introduce transparency, which blunted criticism. Human rights watchdogs within India are now seriously taking up charges of transgression by police and military unit, which should help moderate this potential for tension in US-Indian relations.

Although the United States has been interested in the Kashmir dispute from very beginning, the recent activism is due to several reasons. According to Tom A. Travis the American policy stance probably had three aims: firstly, reference to the wishes of the Kashmiri people may have been intended to encourage India to be more attentive to the internal source of the Kashmir dilemma. Secondly, to exemplify the

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68 Times of India, September 28, 1993.
US role as the world's leading power and its concomitant responsibility to provide leadership to solve global conflict. And finally, to soften up India for concessions on issue like NPT, MTCR, GATT etc. Thus the U.S. concerns are not only resolution of Kashmir conflict but also non-proliferation of nuclear weapons and promotion of human rights. All these may appear to be separate but, in reality, these strands are interwoven with the 50 year-old Kashmir problem.

Much of the Kashmir controversy, which had arisen due to the statement of the US officials challenging Kashmir's accession to India and questioning the relevance of Simla Agreement was cooled off during the visit of Indian Prime Minister Narasimha Rao to USA in May 1994. During Prime Minister Narasimha Rao's visit to US in March 1994, US was firmly informed that there would be no discussion on the status of Kashmir. The Indian Prime Minister strongly stated that "if the Union of Texas with US was indissoluble so was Kashmir with India". He further rejected President Clinton's statement at the joint press conference that "Pakistan had reduced its support to terrorists in Kashmir", and retorted by saying that "India knows better as to what is happening next door than the United State". The US President categorically stated that the Simla Agreement is still the best means of resolving the Kashmir dispute. What was more important the President did not mention about taking the wishes of the Kashmiri people. Clinton also said that internationalizing the issue will not help in as "the ultimate answer's for the two great nations together and resolve it."

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74 Hindustan Times, New Delhi, May 21, 1994.
There is divergence among American opinion makers on the character of the Kashmir issue and the role of the US in resolving this dispute. A group of the US think tanks have also advised the US policy makers to keep off from the Kashmir issue as no realistic solution to this issue was in sight. Moreover, they feel that "neither the US has a great leverage on the Kashmir issue nor the time is ripe for Washington to launch any major initiative". The excessive preoccupation of the US with Asian affairs and problems like Kashmir, could seriously affect its power and resources both human and material. The wide gap between Indian and Pakistani positions on the Kashmir issue and the current depth of mutual mistrust make it counter-productive to put forward U.S. ideas about the shape of a settlement or how to get there. Instead, Washington should focus on lending behind-the-scenes and sustained help so that New Delhi and Islamabad can start and maintain a process that, over the time, moves the two antagonists on to a more positive bilateral path.

**Clinton’s Second Term and Beyond**

The tides of change in the Indo-US relationship became evident from the beginning of President Clinton’s second term in office. For the first time in nearly 50 years, the US began viewing India on a one-to-one basis and not as a mere pawn in the balance of power in South Asia. Although strong disagreement persisted with regard to the matters of security in the context of the NPT and CTBT, with regard to the Kashmir issue, the US maintained its stance of supporting bilateral negotiations between India and Pakistan. After his re-election, President Clinton replaced Robin Raphael with Rick Inderfurth in the Bureau of South Asian Affairs, sending out positive signals to India. On his first visit to South Asia, Rick Inderfurth went to India first, and Pakistan later. The US also, gradually, came round to accepting India’s

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75 *Hindustan Times*, January 6, 1997.
assertion of Pakistan sponsoring cross-border terrorism in Punjab, the northeast, and J & K in particular.

The US position has undergone a major shift towards India in 1997. Since 1997, American concern with Islamic terrorism has led to a convergence of Indian and US interests and a consequent improvement in relations between two countries. So far as the Indian allegation of US obsession to interfere in Kashmir is concerned, the testimony of Richard Celesti, the US ambassador to India, before the US Senate on 28th October 1997, is eloquent. He told the Senate "...Our mutual interests require us to move beyond the sometimes sterile positions of the past. We need to build a framework of trust ......we should have a discourse that is respectful of each other's view." He further argued that Washington must engage seriously with India in the coming years in the same way that "we have done with major nations such as Russia and China." 76

The visit of the US Secretary of State Madeleine Albright to India on 19th November 1997 marked a historical watershed in the US perception on Kashmir imbroglio and US relations with India. She declared at her meeting with the Speaker of Indian Lok Sabha, the Opposition and various members of Parliament that the US had no desire to be involved in Kashmir issue, though she hinted that the US was willing to play the role of a mediator if invited to do so. This unambiguous policy statement marks a landmark in the Indo-US relations.

In May 1998, the almost linked explosions at Pokhran and Chagori demonstrated the nuclear capabilities of both India and Pakistan. In order to solve their differences on key issues, India and Pakistan began their efforts to engage in talks. The strained relations between India and Pakistan saw a welcome change in the

76 Indian Express, October 30, 1997.
first quarter of the 1999, when the leaders of two countries agreed to make comprehensive review of the bilateral relations. The first step in the direction of improvement of relations was taken on 20 February 1999 when Prime Minister Atal Bihari Vajpayee along with 22 member eminent group drove in a bus through the Wagah border into Pakistan, where he was welcomed by Nawaz Shariff, Prime Minister of Pakistan. Prime Minister Vajpayee made history when he went to Lahore and made it a point to visit Minar-I-Pakistan, the spot where the Muslim League, then laid by Mohammed Ali Jinnah, passed the two nation theory resolution, also known as Pakistan Resolution, on March 23, 1940. It was a revolutionary gesture from the Indian Prime Minister because it signified that India accepted the raison d’être of the creation of Pakistan. No Indian leader has done so before.

The visit of Prime Minister Vajpayee led to the signing of the Lahore Declaration (1999) between the two countries. Twenty-six years after the Simla Agreements, the Lahore Declaration once again kindled hopes of better ties between the two nations. Signed on February 21, 1999, between Prime Minister Vajpayee and Shariff, the Declaration aimed to identify measures for promoting an environment of peace and security between the two nations. The statement embodied a shared vision of peace and stability between the two countries and the prosperity of the citizens of both. Prime Minister Nawaz Sharif and Prime Minister Atal Behari Vajpayee in their Lahore Agreement expressed their mutual commitment to the principles and purposes of the UN Charter, reiterated their mutual determination to implement the Simla Agreement in letter and spirit. Throughout the end of 1998 and early 1999, the world got the impression that the two nations were coming closer. The promise of the

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Lahore Declaration was never realized, however, due to a series of subsequent setback: a major skirmish near Kargil in May-July 1999; an inconclusive summit in Agra in July 2001; and, most recently, the military standoff sparked by a terrorist attack on the Indian Parliament by Pakistan-based Islamic militants.

It is widely perceived that the Indian Prime Minister's visit to Lahore in February 1999 had considerable amount of support from the Clinton administration. However, the euphoria of Lahore Declaration lasted only for few months. Actually, when the Pakistani Prime Minister was welcoming Indian Prime Minister at Lahore, the Pak forces was reinforcing their defenses on the heights on the Indian side of LoC in the Kargil region. The Kargil war of summer 1999 clearly indicated that the radical Islamic elements in collaboration with authorities could indulge in irresponsible measures and damage the whole CBM process between India and Pakistan. After the Lahore visit by Vajpayee, the Kargil episode as well as Agra talks, India finds it difficult to trust Pakistan.

The first signs of the new American Approach towards Kashmir came during the Kargil crisis in the summer of 1999. Washington's stand on the Pakistani offensive in Kargil is markedly distinct from the traditional US approach towards decades long Kashmir question between India and Pakistan. Kargil catalyzed a major shift in US policy away from its traditional formula, which affirms Kashmir as a dispute to be solved by India and Pakistan, towards a position effectively recognizing the sanctity of LoC, a development that is welcomed by New Delhi.

India's nuclear tests in 1998 interrupted an attempt by the administration of Bill Clinton, for both personal and policy reasons, to develop a more comprehensive

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United States relationship with India. Only in early 1999 could India and the US consider reviving that earlier agenda.

In May 1999, India discovered that at least 500 heavily armed Pakistan intruders had dug themselves in on Indian side of the line of control along an 80 km stretch north of Kargil. Pakistani Army regulars and mercenaries belonging to at least four militant or terrorist organizations\(^\text{80}\) crossed the LOC into the Drass-Kargil-Batalik sector of Ladakh.\(^\text{81}\) The regular and irregular forces from Pakistan succeeded in temporarily capturing some position that the Indian army routinely abandons during the winter due to their great altitude. Kargil episode was foremost a military aggression, mainly laid by Pakistan’s army regulars across a wide stretch of a line, previously agreed upon to be the border.\(^\text{82}\) Those who occupied Kargil heights were not *Mujahideen*, but were from Pakistan’s Northern Light Infantry.\(^\text{83}\)

That incursion in the Kargil region threatened a strategic road connecting Leh, the capital of Ladakh in northeastern Kashmir, to Srinagar, the state’s summer capital and predictably led a forceful Indian response. This is not the first time that Pakistan has committed blatant aggression in Kashmir by initially dispatching groups of trained and equipped “intruders” and subsequently using military force. Similar was the Pakistani tactics in 1947-48 and in 1965. The Kargil War was significant because it happened to be the first one fought with regular forces between India and Pakistan, both of whom had overtly nuclear weapons. The 50-day Indo-Pakistan Kargil war in


\(^{83}\) The Indian Army recovered 249 dead bodies of Pakistan Army Regulars, together with identity cards, pay books of soldiers, leave certificates and the like. Some responsible Pakistani generals acknowledged that the army has suffered more than forty officers killed. For instance: Aslam Beg, “Kargil-The Drop Scene”, *The Nation*, Islamabad, 13 July 1999.
the summer of 1999 was essentially a result of the long-standing dispute between India and Pakistan on the Kashmir issue.

The Kargil war, according to some thinkers, is nothing else but an extension of large-scale terrorism in Jammu and Kashmir. The Kargil intrusion was an outcome of Pakistan’s failure to seize the Valley by hijacking the 1990 uprising. In the light of the material appeared in the Pakistani press during and after the Kargil crisis one can assume that Pakistan felt the fading away of indigenous militancy in the Kashmir Valley. The Kashmir people had been disillusioned with the behaviour of the foreign mercenaries. Kargil aggression was aimed at dissuading the militant organizations within Kashmir to come in the open and join in the political process in the state. The Kargil War exposed the Pakistani double speak on Kashmir and brought to light the country’s involvement in fostering terrorism through active patronization of armed Islamic separatist and militant groups.

Pakistan’s politico-military leadership had made some assumptions before the enunciation of its military objectives. Based on the record of international interventions in Indo-Pakistani disputes, Islamabad might have assessed that Indian military attempts to restore the status quo ante in the Kargil sector would have brought demands from the international community for an immediate ceasefire and bilateral talks. Such demands, based on the fears of a nuclear conflict, would have helped Pakistan begin talks on the basis of a changed territorial status quo in Kashmir for the first time since 1972, when the LoC was confirmed by the two sides. Pakistan also assumed that the nuclear umbrella would allow action without risks. The chances of India’s retaliation would be much lower on account of the hazard of escalation to a nuclear weapon exchange.
The politico-strategic objectives of Pakistan for undertaking this operation was that it would internationalize the Kashmir dispute as a possible flash point requiring urgent international or third party intervention. The proxy war in J&K has been going on for many years and its sudden escalation into active operations in Kargil sector would convince the major world powers that India and Pakistan were nearing a nuclear war. It would work against India, which had been stating that the testing of nuclear weapons by India and Pakistan had not endangered a nuclear war between the two countries. So India would remain on the defensive while Pakistan would get away by once again highlighting the J&K dispute.\(^{84}\)

India moved in an entire army division to evict the intruders. It decided to launch Operation Vijay, and India’s prime minister described the situation as a “war like” one.\(^ {85}\) Towards the close of May 1999, Indian Air Force fighters started air strikes on the intruders’ camp on the high ridges. Pakistan shot down an IAF MiG fighter, which made the situation quite tense. India charged Pakistan of trying to alter the line of control along the Kargil-Drass sectors.

Washington paid little attention to the initial reports of clashes, assuming it was part of the normal fighting between Indian security men and Kashmiri insurgents along the Line of Control (LoC). One U.S. official later explained, “Everyone assumed it was the usual shootouts that happen after the shows melt.”\(^ {86}\) It was New Delhi’s decision to put the Indian air force on high alert that made Washington stand up and take notice. India had never used airplanes in an anti-insurgency operation.

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The Kargil crisis in the summer of 1999, however, brought about a paradigm shift in the way India and the United States engaged each other on Indo-Pakistani disputes, in particular on the Kashmir question. Unlike in the past, the Clinton Administration has taken up a position on the Kargil issue clearly indicating Pakistani hand in the current situation in Kargil. An editorial in the Indian Express remarked: “For once, the US has put world peace above its geopolitical compulsions.” The initial American reaction of urging mutual restraint in this episode fast gave away to a conviction that fighting would end only if the intruders departed either voluntarily or by force. Moreover, this was the first time that the United States supported India in its various conflicts with Pakistan. Clinton held Pakistan responsible for nuclear brinkmanship. Washington argued that, with the nuclearisation of the subcontinent, there was no room for the kind of military antics that Pakistan had initiated in Kargil.

The Americans, more and more concerned over the export of rigid Islamic orthodoxy into Kashmir, persuaded the G-8 countries to demand full respect for the LOC. The US policy on preserving the territorial status quo came through clearly during the Indo-Pak confrontation over Kargil, when the US applied relentless pressure on Pakistan to withdraw its forces from across the Line of Control. It insisted that Pakistan’s withdrawal must be unambiguous and unconditional. The US judged that Pakistan could not be rewarded for its aggression. The agreement signed by President Clinton and the then Pak Prime Minister Mr. Nawaz Sharif on July 4, 1999 in Washington emphasized the “sanctity of the Line of Control”, and since then the

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87 The Principal Secretary to the Prime Minister, Brajesh Mishra, in a background briefing to Indian reporters in early June 1999 at the height of the Kargil crisis, talked about the ‘paradigm shift’ in Indo-US relations. He based his comment on the emerging signals of unprecedented American support to India during the Kargil war.

88 Indian Express, 7 June 1999.

US has made respect for LoC as one of the key elements of any reasonable approach to resolve the Kashmir dispute between India and Pakistan. The US insistence on the respect for the LoC became a central element of the 4 R’s that formed package of proposals on Kashmir subcontinent. The other elements were restraint, reduction of violence and restoration of dialogue between India and Pakistan. India has had little difficulty accepting this package, since it meets its own broad requirements and had indeed initiated a peace process at Lahore in February 1999 on those very premises. For more valuable for India, over the long run was the assertion of President Clinton that the resolution on Kashmir dispute must take place within the framework of the unity and territorial integrity of India. While the US is not prescribing any particular solution to the Kashmir dispute, its emphasis on respect for LoC, and the position that “self-determination” does not imply a vivisection of existing states, has created substantial political space for India to confidently address the grievances of the Kashmiri and engage Pakistan to find a final solution to the dispute.\(^9^0\)

One of the great surprises of the Kargil crisis has been the entirely unexpected support to India from the international community, in particular the United States and its Western allies, China and the Islamic world. The restraint shown by India in not crossing the LOC despite strong provocation was lauded by the US. Pakistan’s misadventure in Kargil only succeeded in drawing India closer to the US. The neutrality of China, to which Pakistan owed some of the significant transfers of nuclear weapons technologies, and even the reluctance of the Organization of the Islamic Conference (OIC) to endorse Pakistan’s presence in Kargil boosted New Delhi’s stand. The position of Washington, which played a crucial role in moderating the old OIC policy, has been unambiguous. In its past many conflicts with Pakistan,

India found it hard to mobilize external support; New Delhi could not count on any one other than Moscow and a few others.

Although through the Kargil war, Pakistan had tried to internationalize the Kashmir issue, the outcome was an unambiguous political victory for India. Terrorist militant intrusion into the Kashmir territory was not only condemned internationally, but India’s restraint in defending itself and recovering its own territory was widely appreciated. International public opinion now backs the “Lahore process”, which the Pakistani army’s actions in Kargil threatened to derail.

That this international support came on an issue related to the Kashmir dispute is of much importance, given the general lack of international empathy towards India’s line on Kashmir over the past decades. There is no question that the relentless American pressure on Pakistan to pull back its forces to the Line of Control (LoC) in Kashmir, and China’s reluctance to endorse the Pakistani line on Kargil, and the unwillingness of even the Organization of the Islamic Conference to endorse Pak position on Kargil had given an important political boost to New Delhi in facing up to a major national security challenge.91 The United States, China and the OIC have been three critical pillars of support in the past to Pakistan in its conflict with India over Kashmir.

The international reaction had been favourable to India because of the inconvertible facts of the ground – the Pakistani aggression across the LoC and the responsible military posture adopted by India on Kargil. The fact the Kargil happened so quickly after Lahore, where the Indian Prime Minister Mr. Atal Behari Vajpayee had extended a genuine hand of friendship towards Pakistan, also helped consolidate international support for India.

The withdrawal of the Pakistani-backed intruders from Kargil defused the crisis, but left Pakistan's humiliated military leaders extremely bitter, and indeed contributed in no small measure to the military coup of October 1999 and the overthrow and incarceration of Nawaz Sharif, the civilian Prime Minister who had agreed to pull the Pakistani forces out of Indian Kashmir. He was replaced as head of government by one of the principal architects of Kargil misadventure, General Pervez Musharraf, the army chief of staff. The military coup dealt a major blow to the peace process between the two countries. It was the first military regime, which had no legitimacy whatsoever. The Kargil episode also left the Indian political elite and military brass suspicious of Pakistani intentions, since the incursion was planned and executed to coincide with the Indian Prime Minister’s goodwill mission to Pakistan in February 1999. The Indian press portrayed the operation as a brazen betrayal of the incipient peace process.

Kargil's main long-term impact will be accelerating the evolution of India US co-operation in much broader areas of security and economics. The goal was not only to institutionalize cooperation in areas of mutual interest, but also remove petty obstruction that could hinder future development.\(^9\)

Despite initial skepticism of the Indian government, Musharraf was invited to India for a summit on 23 May 2001. The ground for a harmonious discussion was paved with India calling off the six-month-old ceasefire in J&K and signaling its intent to deal firmly with the terrorists operating in the region. There was considerable cynicism about the motives of India to invite the general who was the architect of Kargil conflict and mentor of the militants and terrorist in Kashmir. He also

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denounced the Simla and Lahore agreements because that did not lead to any progress on the issue of Kashmir.

The Summit failed because he came with only one point agenda of pushing forward the acknowledgement by India of Kashmir as the core issue and unless and until it was recognized as such he would not discuss any other issue. India countered the Pakistani demand by linking it to the question of cross border terrorism. The Agra draft had only put the Jammu and Kashmir issue on the top of the agenda underplaying other equally important issues, which comprised the agenda of the composite dialogue agreed by the foreign secretaries of India and Pakistan in June 1997. The Agra summit was a failure in all respects except that it broke the deadlock created by the Kargil war.

Washington almost always gets a brief about South Asian affairs, including the Kashmir issue from Indian as well as Pakistani officials. The officials of the Bush Administration were closely monitoring the peace process in South Asia on the eve of Agra Summit between Indian Prime Minister Atal Behari Vajpayee and Pakistani President Pervez Musharraf. While it may not be correct to say that Agra Summit was held due to American pressure, ruling out an American role too would be an inappropriate proposition. When there was general disappointment in the subcontinent about the outcome of Agra summit, interestingly, the US echoed the optimistic sentiments. The Bush Administration saw the outcome in a positive way and kept encouraging the two countries to continue the dialogue process. “It should be seen as a first step in a difficult and lengthy process...you can not solve differences of 50 years over three days,” commented Christina Rocca, the US assistant secretary for South Asian Affairs, in a Press conference prior to her departure for South Asia.93

From the very beginning of the Kashmir problem, when India took the case to the United Nations, the United States has played a role in the Kashmir issue. But the US attention on Kashmir has become more focused since the nuclearisation of South Asia in May 1998.94

The US policy makers and strategic thinkers have viewed the Kashmir issue as a potential nuclear flash point. They base this perception on the intensity of the Indo-Pakistani hostility of over a half century, which include four rounds of armed conflict and two-dozen years of continued Pakistan-backed armed militancy and terrorism in Kashmir. Washington has refrained from directly intervening in the Kashmir problem. The US desire to have peace in South Asia clearly reflects the US view that Kashmir issue is a dispute between India and Pakistan and until Kashmir issue is solved between India and Pakistan, there would be no peace. US argued that there should be a continuous dialogue process between India and Pakistan in resolving the bilateral disputes including the Kashmir issue. On the other hand India argued that a dialogue would commence with Pakistan on all issues once it stops sponsoring cross-border infiltration and destroys all terrorist infrastructures on its soil.

While the US has traditionally been reluctant to appreciate the Indian concerns on Kashmir due to its strategic alliance with Pakistan through the Cold War year, there has been a gradual change in the US attitude, especially during, and since, the Clinton visit in 2000. The change has been brought about by the end of the Cold War and associated strategic considerations, the emergence of India as a commercially significant entity, the nuclear tests of 1998, and the growing concern in India and the US about terrorism as a security threat.95

While New Delhi and Washington moved inexorably closer during President Clinton’s final year in office, US and Pakistani interests comprehensively diverged. This was vividly illustrated during the President’s long-anticipated trip to South Asia in March 2000. After five days of substantive bonhomie in India, Clinton spent roughly five hours in Pakistan, where he and Pakistani leader, General Pervez Musharraf, enunciated starkly opposed views. In his trip to South Asia, President Clinton made it clear that the US will not mediate between India and Pakistan as far as settlement of Kashmir issue is concerned. While abjuring any intention of mediating between the two neighbours, President Clinton exhorted them to resolve their conflict over Kashmir as a prelude to normalcy in South Asia. In fact, Pakistan has been warned against its support to ‘external forces’ operating in Kashmir. The President’s visit made it clear that Washington had decided to invest heavily in India both in economic and political terms. However, American policy makers still seem wedded to the idea that the two countries would be able to reach an amicable settlement of the Kashmir problem if only they, and particularly India, exerted themselves toward this end. USA had been advising both India and Pakistan to have a bilateral dialogue in the spirit of Simla Agreement and carry forward the Lahore process.

While emphasizing a solution to Kashmir within the framework of unity and territorial integrity of India, President Clinton has told the Indian side that there can be no military solution to the problem of political alienation in the valley and that New Delhi must find a way to address the grievances of the Kashmiris. But by suggesting that this must take place within the parameters of India’s multi-ethnic

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nationhood, Mr. Clinton may have begun to remove the deepest anxiety in India about American intentions. The formulations of President Clinton have opened up a big opportunity for New Delhi to engage the political leadership in Kashmir to find a lasting solution, without a fear that the process would be manipulated by the US and West to promote secession from India. Genuine moves by India to deal with the problem in Kashmir are likely to get strong political support from Washington and could enhance the image of India as a democracy that can meet its internal political challenges. Post the Clinton visit, there is a clear convergence of interests between India and US over Kashmir. Both realize that Islamic fundamentalism poses a deep danger to the stability in South Asia.

In his brief stopover in Pakistan, President Clinton expressed the American displeasure at the removal of democracy in Pakistan and encouragement of cross-border terrorism, evident to General Musharraf. For the first time, it has held the government of Pakistan responsible for violence in Kashmir. Most significantly, he conceded that, “I Believe that there are elements within the Pakistani government that have supported those who are engaged in violence in Kashmir.” The US also strongly condemned the terrorist attacks and mass killings in Kashmir while praising the Indian initiative for talks with the Hizbul Mujahideen. President Clinton’s address to the people of Pakistan stated, “We can not and will not mediate or resolve the dispute in Kashmir. Only you and India can do that, through dialogue.” This meant in practice that the US State Department would offer its “good offices” to help facilitate a settlement, but it would not propose solutions to, or invest political capital

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97 Reference to President Clinton’s address on Pakistan Television, as cited in Pickering’s (US under-secretary of state for political affairs) remarks at John Hopkins on US policy in South Asia, April 5, 2000, Washington File, Press and culture section, US Embassy, Bucharest.
98 The US Government, the White House, President Clinton’s visit to India, “Interview of the President by Peter Jennings, ABC World News,” at New Delhi, India, March 21, 2000.
99 The US Government, the White House, Office of the Press Secretary (Islamabad, Pakistan), Remarks by the President in greeting to the People of Pakistan, March 25, 2000.
in, the dispute.\textsuperscript{100} Clinton asked the Pakistan to maintain the sanctity of the LoC. Before that no US President has been so categorical. As for Pakistan, despite acknowledging it as an old friend, America admitted to the surfacing of serious differences between the two nations.

President Clinton's visit to India was followed by Prime Minister Vajpayee's visit to Washington in September 2000. With Vajpayee reciprocal official visit to USA "the momentum of Clinton visit had to be maintained; letting that go waste would be foolish" so said the official spokesperson of the MEA. Vajpayee's visit has indeed been very useful. While addressing the joint session of the US Congress he again reiterated that India had to deal with a neighbour, which had "fashioned" the medieval concept of waging a 'religious war' or \textit{jehad} into an instrument of state policy. Pakistan's threat to India, both directly as in Kargil and through ISI sponsored militant outfits of Islamic fundamentalists, takes Pakistan back to the middle ages when religious bigotry was the driving force behind the war between the nations. He said that this evil not only threatened India but the rest of the world as well.

A joint statement, issued at the end of Vajpayee's state visit to USA, endorses the Indian line on Kashmir in totality. USA broadly agreed with India that the Indo-Pak dialogue could be resumed only when the cross border terrorist violence ends in the trouble torn state. The joint statement emphasizes the bilateral settlement of the Kashmir issue.

Despite the basic change in the American approach to Kashmir that has been outlined by President Clinton, the issue is unlikely to disappear from the agenda of Indo-US relations. The basic US position on Jammu and Kashmir remains that the

\textsuperscript{100} China has adopted a similar diplomatic posture on the Kashmir dispute, especially since the Kargil crisis of 1999. See Devin T. Hagerty, \textit{op. cit.}, n. 27, p. 286.
entire former princely state of Jammu and Kashmir is a disputed territory and that the negotiations between the Government of India and Pakistan, as envisaged by the Simla Agreement, provided the best means for resolving the dispute over Kashmir, taking into account the wishes of the Kashmiri people. The US will continue to emphasize the importance of New Delhi meeting the political aspirations of the Kashmiri people. India also needs to be aware that the US has a continuing interest in the revival of Indo-Pak dialogue on a broad range of issues including Kashmir and nuclear and conventional military confidence building measures. But the formulations of President Clinton have opened up a big opportunity for New Delhi to engage the political leadership of Kashmir to find a lasting solution, without a fear that the process would be manipulated by the US and West to promote secession from India. Genuine moves by India to deal with the problem in Kashmir are likely to get strong political support from Washington and could enhance the image of India as a democracy that can meet its internal political challenges.

While the US views Kashmir as a disputed territory, it does not seem to be inclined to opt for a unilateral initiative on its part. The US government has rejected a Pakistan-sponsored move in July-September 1999 for appointment of a Special Envoy of US on Kashmir and for strengthening of the UNMOGIP. The US had also categorically stated that there is no parallel between the situation in East Timor and Jammu and Kashmir.

Much to Islamabad’s dismay, the new Bush administration’s South Asia policy hardly deviated from President’s Clinton’s. Indeed, if anything, Bush’s new national security team was intent on intensifying the regional policy it inherited. India’s first growing economy, its booming information-technology sector, and its

position as a relatively stable, democratic, nuclear power in a volatile region argued for deepening Indo-US ties. Bush administration maintained the Clinton line on Kashmir, i.e., urging the disputants to engage in bilateral negotiations, while not pushing so hard as to alienate India. Washington did not, however, throw up its collective hands regarding Pakistan. Senior officials were “determined to improve the US-Pakistani relationship” without turning a blind eye to areas of disagreement.

Until now the US has shown understanding of the Indian position that it cannot talk to Pakistan unless there is an end to cross-border terrorism. A predetermined Indian policy of trying to totally isolate Pakistan and refusing to engage it, even if there is a substantive reduction in cross-border terrorism, could soon begin to introduce some unease in Washington.

While Clinton transformed the context of its approach to the Kashmir question in fundamental ways, he would not, however, squarely face up to the problem of Pakistan’s active support of cross-border terrorism in Kashmir. That had to wait until the dramatic events of 11 September and America’s subsequent war on terrorism, the 13 December attack on the Indian Parliament House and India’s biggest military mobilization since independence.

After 9/11, it has become difficult for Pakistan to continue its support for insurgency in Kashmir. As China and Russia also claim that they are up with the problem of international terrorism, the United States cannot have a different yardstick for South Asia while asking for their cooperation. The war against terrorism by USA and its allies in Afghanistan has demoralized the militant organizations. The United States is aware that the jihadis who attacked India come from the same pool of zealots.

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who hate the US and all of them has nurtured by the Pakistani military establishment. The terrorist attacks on New York and Washington finally persuaded the USA that the walls of "Fortress America" could well be breached with impunity by international terrorism.\textsuperscript{104} Despite some vigorous stone walling by the State Department, Washington finally acted against Pakistan-based terrorist groups and even General Colin Powell, now recognizes that an Indo-Pakistan dialogue before Pakistan credibly addresses India's core concerns is not a practical proposition. Although Pakistan became a frontline state in the global coalition against international terrorism, it is unlikely to make any difference to the US policy on terrorism in Kashmir. Pakistan had misconstrued its coalition membership as an enabling factor to isolate Indian concerns against cross-border terrorism promoted by it under the cover of so-called popular movement led by 'freedom fighters' for 'self-determination'. It expected that its geopolitical importance and unqualified support to the US led war against international terrorism would put the issue of Kashmir on international agenda, force India to open negotiations and resolve it on terms favourable to it. This strategy obviously has failed.

Washington was determined not to undermine its new relationship with India even as it reached out to Pakistan. President Bush consistently sought to assure India that there would be no double standards in battling terrorism. He also promised that once the immediate threat in Afghanistan has been addressed, the Indian concerns on terrorism would be dealt with. The U.S. support to India in response to a series of major terrorist incidents in India after 11 September has helped remove the skepticism about US double standards on terrorism.

Whether it was the attack on Parliament on 13 December 2001 or the Kaluchak incident on 14 May 2002, India exerted a lot of pressure on Pakistan and the international community. It was the result of that pressure which force General Musharraf to mention in his January 12, 2002 address that Pakistan would not encourage terrorist acts in Kashmir. The Indian threat to go to war against Pakistan in the summer of 2002- forced the United States into new activism to restraint Pakistan from supporting terrorism in India. It was, in fact, Washington that took the lead in first freezing the assets of the Lashkar-e-Toiba (LeT) and later designating it along with the Jaish-e-Mohammed (JeM) as ‘foreign terrorist organizations’.  

Subsequently, President Bush called upon Musharraf “to take action against the LeT and JeM, and other terrorists organizations and their leaders and their finances.” It was in response to this exhortation that Musharraf first froze the assets of the LeT (December 24, 2001) and later arrested the chief of the JeM (December 25, 2001).

President Bush was surely tough on General Musharraf. The US leader told the Pakistan President clearly that his words must match his actions aimed at cracking down terrorism. While the Pakistan President Pervaiz Musharraf is being lauded for the new direction he has set for Pakistan, there is also a clear warning to Islamabad that it would not be allowed to return to the old ways of jihad. Following the American pressure on Musharraf government to control the militant organizations in Pakistan, the Pakistan government has compelled the militants to stop their movement in Jammu and Kashmir. So long as Pakistan is associated with militancy in Kashmir,

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105 The Lashkar’s finances were frozen on December 20 and they were designated as “foreign terrorist organizations” on December 26. Hindu, December 22 and 27, 2001.

106 This was stated by Ari Fleischer, White House Press Secretary, in the course of a media briefing on December 22, 2001. Hindu, December 23, 2001.

107 The ground cited for the arrest, however, was that he had made provocative speeches disturbing internal peace. Hindu, December 26, 2001.
the US, as a result of its own troubles with domestic and international terrorism, will not look favourably upon Pakistan.

Paramount to any peace process is the need to establish and maintain confidence on the ground. The most notable success in the efforts to restore civil governance in J&K was the successful conduct of the Legislative Assembly elections in September-October 2002 despite large-scale violence perpetrated by Islamist terrorist groups. The recent assembly elections of Jammu and Kashmir provide important insights into the political psyche of Kashmir today. The elections were rightly viewed as representing "a new window of opportunity" for Jammu and Kashmir. Conducted under international glare, it assumed importance due to the commitment made by the government of India to conduct a ‘free and fair’ election on the one hand and the contested legitimacy of the electoral process, on the other. Such contestation of the legitimacy of the electoral process came not merely from the separatist forces but also from the common people. The Jammu and Kashmir elections have give India’s case on Kashmir the credibility it had always lacked, and the people of the valley the feeling that if they hated a despot the better way of getting even with him was braving the bullets to vote rather than taking to the kalashnikov.

The United States welcomes elections in Jammu and Kashmir as the first step towards a long-term solution to the Kashmir problem. It also welcomes the new state government in Jammu and Kashmir and commends its bold initiatives to reduce tensions and bring about a climate of reconciliation in a region that has too long been mired in strife.

Further, September 11 is widely believed to have radically changed the way people viewed an armed struggle. A few among the international community are now willing to extend support to the use of terrorist violence as state policy. In other words, a clear process of delegitimisation of violence as means to achieve political goals is underway across the globe.

Indeed Kashmir is not on the top of the list of American agenda for the contemporary world. The American position over the Kashmir dispute has shifted in recent times. The current American position as reflected by recent statement of concerned official amounts to asking the Pakistanis to forget past prescription and recognize the ground realities. Indeed one interpretation could be that now the Americans have moved closer to Indian prescription. In a change of heart that reflects improved relations with Washington, New Delhi no longer opposes U.S. efforts to facilitate reduction of tensions, although it continues to be against outside “mediation”. Although India rejects formal third party mediation, it wants the United States to use its influence with Islamabad to resolve the Kashmir conflict. The US claims that it wants to limit its role to facilitating the search for the solution of the Kashmir problem by bring the parties to the negotiating table. The events of September eleven had no impact of this basic position. U.S. should bring Pakistan and Kashmiri separatists to the negotiating table with New Delhi. Washington should insist that Pakistan restrain the separatists so that India can negotiate seriously with Islamabad and Kashmiri leaders.

In recent years, U.S. policy toward Kashmir has been one of crisis management. Washington has sprung into action to prevent crises from getting out of

110 Traditionally India has opposed U.S. involvement on India-Pakistan problems and has sought to deal bilaterally with Pakistan. However, since, President Bill Clinton’s intervention pressing Pakistan to pull back across the LoC during the 1999 Kargil crisis, the Indian attitude has gradually softened.
hand-in June-July 1999 after Pakistan crossed LoC near Kargil, in December 2001 after terrorists attacked the Indian Parliament and in May 2002 when several dozen women and children were killed at an Indian army camp in Kashmir.

The recent positive change in Indo-Pakistani rhetoric could provide the United States an opportunity to play the role of a facilitator in a serious dialogue between the two countries. The U.S. argue that both India and Pakistan need to think creatively and flexibly about a solution that would be peaceful, honourable and implementable; one that would truly serve the legitimate interests of all the parties involved, including Kashmiris, one that both New Delhi and Islamabad could accept.

Kashmir is not a matter of territorial dispute. It is a matter of principles of secularism and democratic and ethical values on which rest the very foundation of Indian Republic. Unless world leaders come to appreciate this fact and revise their views and approach to this highly explosive matter, there can be no normalization of India-Pakistan relations and, therefore, no peace in the real sense of the term.