CHAPTER 5
THE KASHMIR DISPUTE IN INDO-U.S. RELATIONS

Globalization of the world economy makes national developments globally important. ¹ This process involves globalization of regional and ethnic conflicts and issues of human rights. ² The dynamics of the Kashmir dispute merits world attention for two reasons - its long duration due to the nature of dispute, which has led to the ongoing tense relations between India and Pakistan, and, not the least, the manner of the sustained suffering of the Kashmiri people in the face of unabated brutalities they continue to face. An additional cause for concern is that the two major protagonists - India and Pakistan - have demonstrated their nuclear capabilities. An examination of American policy towards Kashmir from 1947 onwards reveal that it has at various junctures applied different labels to the Kashmir issue from ‘self-determination’ to ‘aspiration of the Kashmiri people’ to being ‘a nuclear flash-point’ endangering international security'. The constantly changing stand of the U.S. is reflective of the fact that its stance on the Kashmir issue is flexible and is mainly dependent on two factors at a given point in time: (1) Tenor of India-United States relations and; (2) The strategic utility of Pakistan for any intended United States strategic moves in South West Asia. ³ Therefore, India perceives that American policy on Kashmir does need give enough credence to India’s security and strategic concern. The fallout of such a perception by India is the hardening of stand on human rights.

² Ibid. pp. 17.
The Growth of the Conflict

The Kashmir problem had its genesis at the time the accession of states was being decided on the eve of India's independence. The British government gave 567 princely states under its suzerainty the option of joining either India or Pakistan. Kashmir, however, was unique in its complexities: it was Muslim dominated, yet ruled by a Hindu King, Maharaja Hari Singh. The Muslims were in a majority in the Kashmir Valley (95 per cent), while the Hindus dominated Jammu (about 67 per cent), and the Buddhist, Ladakh. At the time of independence in August 1947, Kashmir did not join either India or Pakistan, and instead entered into a Standstill Agreement till a formal decision was taken. However, in order to force Kashmir to fall into line, Pakistan ordered an economic blockade in August 1947. When the move failed, Pakistan dispatched armed Pathan tribesmen from its North West Frontier Province into Kashmir to forcibly annex it in violation of the Standstill Agreement. The Maharaja was compelled to solicit Indian support but India refused to intervene as long as Jammu and Kashmir did not accede to it. Backed by Sheikh Abdullah's National Conference Party and facing a national calamity as the Pathans threatened to sweep through the Valley, Maharaja Hari Singh signed the Instrument of Accession in favour of India. The Maharaja then wrote to Lord Mountbatten, Governor General about the crisis in Kashmir and expressed his desire for accession to India. It was accepted by Mountbatten on October 27, 1947. Authority of

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7 Instrument of Accession of Jammu and Kashmir State - Ministry of Home Affairs, Government of India, Oct. 26, 1947 "An Indian State shall be deemed to have acceded to the Dominion if the Governor General of India has signified the acceptance of an Instrument of Accession executed by the ruler thereof."
Hari Singh to enter into accession agreement was not questioned by Pakistan and the accession of Kashmir to India was legal. It was then that India dispatched its Army to repel Pathan invaders on October 27, 1947. As soon as fighting broke out between India and Pakistani forces in 1947, the Truman administration embargoed military supplies to both sides. During the months that followed, Washington resolutely resisted involvement in what was evidently a no-win situation. Britain – also hoping to avoid alienating India and Pakistan – sent its Commonwealth Relations Secretary, Philip Noel Baker to Washington in an effort to persuade the Americans to take a lead position on the Kashmir dispute. Warning of impending and possibly immense violence in the subcontinent, Baker explained that London’s intervention would look like an attempt to re-impose the British Raj less than a year after the transfer of power and would be roundly rejected but the U.S. might have a better chance in achieving a settlement. The State Department turned Baker down flat. Without belabouring the obvious reason – that an American initiative would make Washington the target of vituperation from both sides – Undersecretary of State Robert Lovett told Baker that the U.S. Congress would never go along with a commitment to South Asia. Besides, he said, an American initiative would attract “undesirable Russian attention.”

On January 1, 1948, India referred the Kashmir issue to the U.N. Security Council by lodging a complaint against Pakistani aggression on the people of Jammu and Kashmir, under Article 35 of the Charter of the U.N. Shortly thereafter, on April 21, 1948, the Security Council set up the United Nations Commission for India and Pakistan (UNCIP), composed of three U.N. representatives, one selected by India, one by Pakistan and the

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third chosen with the support of both contentious parties. Later, the U.S. and Britain were able to persuade the Security Council to increase the membership of the Commission. Ultimately, the UNCIP was composed of Czechoslovakia, Argentina, Belgium, Columbia, and the United States. India clearly perceived the composition to guarantee “greater United States influence in the disposition of Kashmir”\(^9\) However, the U.S. decided to remain neutral. According to H.W. Brands, “American leaders, deeming Kashmir a distraction better left alone, took a neutral line between India and Pakistan on Kashmir, just as Indian officials hewed to a middle course between the superpowers--and for much the same reason. Regardless of the merits of the Kashmir case, Washington had to live with both sides.”\(^10\) This helped Pakistan in gaining grounds in the Security Council. Its Foreign Minister, Sir Muhammad Zafrullah, made an impassioned five-hour speech before the Council, in which he portrayed India as an expansionist state which had never reconciled itself to its break-up. The American position coupled with Pakistan’s successful attempt at garnering sympathy shifted the focus in the Security Council away from Indian complaints of Pakistani aggression to the acceptance of the Pakistan’s claim that Kashmir was a disputed territory and India could not make a legal, political or moral claim to this territory. Thus, Pakistan’s attempt to confuse and bypass the main complaint from India was a great success and India was never to recover from the initial defeat.\(^11\) The UNICP passed a resolution on August 13, 1948, which was accepted by both India and Pakistan. The Truce Agreement stated that Pakistan “will use its best

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endeavour to secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistan nationals not normally resident therein who have entered the State for the purpose of fighting."12 It further stated, "When the Commission shall have notified the Government of India that the tribesmen and Pakistan nationals referred to in Part IIA2 hereof have withdrawn, thereby terminating the situation which was represented by the Government of India to the Security Council as having occasioned the presence of Indian forces in the State of Jammu and Kashmir, and further, that the Pakistani forces are being withdrawn from the State of Jammu and Kashmir, the Government of India agrees to begin to withdraw the bulk of their forces from that State in stages to be agreed upon with the Commission." 13 The Agreement said that plebiscite would be held after Pakistan withdrew its troops and following that, India also withdrew bulk of its troops.14 Therefore, the UNCIP resolution put explicit obligations on Pakistan, which the country failed to meet. Even though India’s initial complaint had been verified by UNCIP delegates who observed that Pakistan had sent troops to the state of Jammu and Kashmir,15 the August 13 resolution put Pakistan at par with India without condemning Pakistan as the aggressor.16 Both were asked to withdraw troops, which amounted to denying any legality to the accession treaty between the Maharaja of Kashmir and India and to making Kashmir a disputed territory until a plebiscite was conducted under peaceful and fair conditions. The motive behind such a move was the American and

13 Ibid.
14 Resolution adopted by the UNCIP on January 5, 1949 (available at http://www.geocities.com/m_naumansadiq/constitution/resolution_2).
British interest in securing Pakistani cooperation in the event of any confrontation with the Soviets. Also, Pakistan was considered as the main artery into Central Asia. After a period of negotiations and continued fighting, a ceasefire finally went into effect on January 1. Kashmir was divided by a military ceasefire line into the Indian state of Jammu and Kashmir and Pakistan-controlled Azad (Free) Kashmir and the Northern Territories. The resolution could not be implemented in part because India was upset with the Security Council holding both countries equally responsible for the crisis and because the U.S. and U.K. continued patronizing Pakistan which encouraged it to flout the terms of the resolution. The Truman administration, in collaboration with U.K., recommended to the Security Council that a single negotiator be appointed, with broad authority to mediate between India and Pakistan. In accordance with the Security Council resolution of March 14, 1950, Fleet Admiral Chester Nimitz was appointed as the plebiscite administrator. This and subsequent efforts, such as the Dixon Mission (1950) and the Graham Commission (1951-53), however failed to bring any resolution to the Kashmir problem. Meanwhile, the U.S. “regarded the problem as a serious dispute between two countries with which it had friendly relations, but not as an issue involving vital U.S. interests. Kashmir also appeared to be the type of regional dispute that the U.N. should be able to resolve, as India’s original suggestion for a plebiscite provided a basis for settlement.”

As the 1950s wore on, Cold War politics militated against the solution envisaged by the U.N. The U.S. realized that Pakistan was an important location for establishing air bases and intelligence gathering facilities for countering the Soviets. Moreover, Pakistan’s proximity to the Persian Gulf made it useful as a shield for protecting the Middle East oil fields in the eventuality of hostilities in Asia. The U.S. invited Pakistan to join U.S. sponsored defence pacts such as the Southeast Asian Treaty Organization (SEATO) and the Central Treaty Organization (CENTO), originally the Baghdad Pact, and begun receiving American weapons. However, the Eisenhower administration, particularly its new Secretary of State John Foster Dulles, was aware of the fact that a military alliance with Pakistan without resolving the Kashmir dispute would generate antagonism between India and the U.S. and ‘might push Delhi in Moscow’s arms.’ During a visit to Delhi in May 1953, Dulles encouraged India to seek a bilateral agreement with Pakistan outside the United Nations’ framework. He downplayed the idea of a plebiscite, which, in his opinion, generated unnecessary emotions without resolving the territorial disputes. Instead, he suggested to Nehru that partition of Kashmir along the cease-fire line and a ‘special status for the Kashmir valley’ might be a better solution. Dulles’s suggestion of partition did not fare well with either India or Pakistan. Although Nehru was not in a strong position domestically and could not count on the support of the people of Kashmir in a plebiscite because of the dismissal of Sheikh Mohammad Abdullah, he nevertheless declared that he could not ignore the wishes of Kashmiri people and therefore offered to

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hold a plebiscite under a mutually acceptable plebiscite administrator. Gowhar Rizwi notes, “Indeed Nehru had offered virtually everything that Pakistan had been seeking since 1947...Nehru’s offer was not made under any extreme internal or external pressure but from a genuine conviction that India must not hold Kashmir against the wishes of the people. He was prepared to take a risk even though it might mean the loss of Kashmir”. 23

It was Mohammad Ali who backed out of the deal by raising a series of objections. In May 1954, the U.S. and Pakistan signed the Mutual Defense Assistance Agreement, formally confirming Pakistan’s alignment with the West. The Indians feared that such an agreement would foster an arms race in the subcontinent and foreclose prospects for the peaceful settlement of regional disputes. If Dulles had succeeded in his attempts at resolving the Kashmir dispute, the U.S. strategy to initiate military assistance pacts with Pakistan would not have elicited a strong, let alone massively negative response from India. But in the absence of any resolution of the Kashmir problem, India viewed the U.S.-Pakistan military pacts as enhancing the military power of Pakistan which could be used against India. It made India pursue the non-alignment strategy more vigorously during the 1950s, thereby paving the way for confrontation with U.S. foreign policy. 24

The U.S.-Pakistan alliance encouraged a closer Indo-Soviet relationship. India’s position on issues such as the Korean War, Hungary, Communist China’s application for UN membership, and Vietnam were invariably contrary to American interests. Though Indo-U.S. relations improved during the second term of President Eisenhower (he even visited

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following the 1954 arms pact with Pakistan, the U.S. kept the Kashmir issue alive in order to display its solidarity in the matter to Pakistan. In January 1957, the UN Security Council admitted the Kashmir question. Nehru was upset with the U.S. for agreeing to raise the issue of Kashmir before the Security Council and for its continued support for a plebiscite in the state. Although the Soviet Union was successful in vetoing a resolution calling for stationing U.N. troops in Kashmir, the Security Council decided to send its President Gunnar Jarring, to the subcontinent. Jarring visited India and Pakistan during March and April 1957. Indian leaders were adamant in their stance that there could be no solution to the Kashmir problem until Pakistan fulfilled the precondition of withdrawal from the territory it occupied through aggression. In late 1957, Pakistan again raised the issue before the Security Council, which resulted in another fruitless mission under Frank Graham. By 1957, India also hardened its stand on Kashmir, arguing that the accession of Jammu and Kashmir was final and consequently plebiscite was out of the question. The Indian government argued that the commitment made to the people of Kashmir to ascertain their wishes about the future of the state had been implemented through two general elections in the state. Subjecting India to constant pressure by scrutiny of Kashmir through various futile missions showed the influence of the U.S. in determining the actions of the U.N. The moves also underlined the discriminatory attitude inherent in the U.S. foreign policy

26 Ibid.
27 Ibid.
29 Ibid.
between treatment of aligned and non-aligned nations. However, stemming the tide of Communism remained the ultimate goal of American foreign policy during the Kennedy Administration which prompted it to provide military support to India during the Chinese war in 1962. In January 1962, Kennedy formally offered to mediate a settlement of the Kashmir dispute between India and Pakistan. The logic behind the offer was that only a Kashmir settlement would bring about regional stability in South Asia. Nehru, in response to Kennedy’s offer, clarified that only bilateral discussions between India and Pakistan would make a solution possible and, moreover, that ‘third-party intervention might not help matters and might even complicate them.’ The conflicting perceptions on Kashmir resurfaced at the meeting of the U.N. Security Council in February 1962. While Pakistan reopened the question in the context of possession of the whole of Kashmir, India felt the territorial issue was redundant with Kashmir being a recognized part of the Indian republic. The U.S. refrained from making negotiated settlement to Kashmir a necessary precondition for continuing military assistance to Pakistan, despite Congressional pressure to act otherwise.

In the aftermath of the Sino-Indian war, President Kennedy’s aid Averell Harriman and British Commonwealth Secretary Duncan Sandys persuaded a reluctant Nehru to enter into bilateral discussions with Pakistan in early 1963. Five rounds of talks did not produce any progress on Kashmir mainly 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. India accused Pakistan of illegally negotiating away Indian

30 Ibid.
The failure of the Harriman-Sandys mission marked the beginning of a long period of U.S. diplomatic disengagement from the Kashmir dispute. India’s 1962 debacle, its rapidly increasing military power, and civil disturbances in Indian Kashmir itself due to the disappearance of a sacred Islamic relic, a strand of hair of the Prophet Mohammad, from the Hazratbal shrine, combined to convince Pakistani leaders that they had a brief window of opportunity to wrest the territory away from India. In 1965, Pakistan dispatched guerrillas into Kashmir in the hope of fomenting a popular uprising. That objective failed and instead both sides fought a border war along the India-West Pakistan border and the Line of Control (LoC) in Kashmir. By the time the U.N. intervened on September 22, Pakistan had suffered a clear defeat. The Indo-Pakistan war of 1965 stands as a watershed in the history of American relations with the Indian subcontinent. For President Johnson, the war signaled the end to a policy cycle set in motion with the formation of the Pakistani-American alliance 11 years earlier. The U.S. had thought that it could cultivate friendly relations with both countries by aligning with Pakistan and giving massive economic aid to India during the late 1950s and military aid after 1962. But it realized that such a policy did not satisfy either country. Both India and Pakistan refused to stand by the U.S. in Vietnam. In the war’s aftermath, he “directed that the United States adopt a lowered profile in the sub-continent and pursue more limited policy objectives there.” In the first manifestation of this new orientation, Washington stepped aside and allowed the Soviet Union to convene a peace conference at Tashkent in

January 1966. The Indian and Pakistani leaders decided to withdraw to pre-war lines. The war was a stalemate and the Tashkent Agreement that followed simply reinforced this situation.

The Nixon administration’s priority was to cultivate China which was facilitated by Pakistan. His preference for Pakistan was evident during the Indo-Pak war in 1970-1971 over East Pakistan (now Bangladesh) when he sent a nuclear-armed aircraft carrier, the Enterprise, and its battle group, to the region, in an implicit nuclear threat to India. The main reason behind the “tilt” was to reassure Pakistan of American support. The Nixon administration’s tilt towards Pakistan was also evident when, during Nixon’ visit to China in February 1972, China and the U.S. issued a Joint Communique, which supported Pakistan’s position on the issue of self-determination in Kashmir. It supported “the people of Jammu and Kashmir in their struggle for the right of self-determination.” However, after Pakistan lost the war on both fronts and Bangladesh became independent, Indira Gandhi and Zulfiqar Ali Bhutto signed a peace accord, known as the Simla Agreement, according to which both sides agreed “to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them.” It also specified that both nations would respect each other’s territorial integrity, political independence, and sovereign equality, in accordance with the U.N. Charter. With regard to J&K, both countries agreed that they would not unilaterally try to alter the LoC, decided at the time of the ceasefire on December 17,

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1971. The tacit understanding was that the LoC would gradually emerge as an international border and the Kashmir issue would be settled.\textsuperscript{38} This also allowed the U.S. to revert back to its policy of non-interference, which was evident when Henry Kissinger visited India from October 27-30, 1974. He reaffirmed American support for the Simla process i.e. India and Pakistan resolving their disputes bilaterally without outside interference.\textsuperscript{39}

**Militarisation of the Indian Subcontinent**

During the 1970s and 80s, the Indian subcontinent gradually became more volatile with the emergence of a variety of new security threats and challenges, including the steady growth in nuclear capability of both countries. The most critical event shaping the political history of the subcontinent during this period was the Soviet intervention in Afghanistan in December 1979. It was instrumental in reinforcing military ties between the U.S. and Pakistan that had weakened during the Bhutto years. It was also responsible for tailoring the U.S. approach towards India and Kashmir. America extended military and financial support to Pakistan, primarily to enlist Pakistan as frontline state to counter Soviet intervention in Afghanistan. In this process, Pakistan also benefited: (a) it could develop its own nuclear weapons programme with the U.S. overlooking its own non-proliferation objective for the sake of its own national interest; (b) U.S. allowed greater Sino-Pak interactions, which led to the covert development of its nuclear potential with


\textsuperscript{39} The key documentation of the visit is available in the U.S. Department of State Bulletin, 71:1848, (November 25, 1974), pp. 704-714.
Chinese assistance. However, a hitch in U.S. military support to Pakistan arose in the form of the Glenn-Symington Amendment passed by the U.S. Congress in 1977. The law called for the termination of assistance to any state importing uranium enrichment equipment or technology after 1977. Pakistan violated the law by importing equipment for its uranium-enrichment plant at Kahuta. Initially, the U.S. terminated economic and military aid to Pakistan but in 1981, the U.S. suspended the sanctions with respect to Pakistan for a period of six years. Such a move was prompted due to the deployment of Soviet troops in Afghanistan and the America’s long term objective of thwarting further Soviet expansion by strengthening Pakistan. The Reagan administration justified greater military assistance to Pakistan on the grounds of promoting nuclear non-proliferation goals by pointing out that a more secure Pakistan would not have nuclear ambition. Pakistan put such assistance to good use and progressed steadily towards giving final shape to a covert nuclear programme. However, Washington and New Delhi signed a Memorandum of Understanding (MoU) in science and technology in May 1985 which paved the way for increased investment and technology transfer.

The conflict in Afghanistan indirectly led to increasing Pakistani involvement across the LoC. Pakistan’s Prime Minister Zia-ul-Haq responded favourably to U.S. overtures and agreed to allow the Afghan resistance to set up headquarters in the northern city of Peshawar in return for massive economic and military aid from the U.S. Several million Afghan refugees also made their way into Pakistan. Peshawar and various other Pakistani

41 Ibid.
cities along the Afghan border became the home of Islamic Mujahideen (warriors), many of whom were outsiders coming from as far away as Algeria, Egypt, Jordan, Saudi Arabia, Chechnya, the Philippines and so on. After the Soviet forces withdrew from Afghanistan in 1989, the Mujahideen got involved in the internecine conflict between the various Afghan factions for control of that country. Within Pakistan, militant fundamentalist organizations were openly active in recruiting volunteers to fight in Kashmir. The Harkat-ul-Mujahideen and the Laskar-e-Toiba were the biggest among them. The Mujahideen regularly crossed into Indian-administered Kashmir and carried out armed attacks against what they perceived as Indian occupation forces. The insurgency introduced two dimensions to the way Washington viewed the Kashmir problem. The first was human rights, deriving from well-publicized, heavy handed measures of the Indian army and paramilitary forces to coerce the Kashmiris into acquiescence to Indian rule. The reports of human rights violations resonated with Congress, the U.S. media, and important non-governmental organizations, and heightened the attention policy makers gave the issue. The second concern was terrorism. As the nature of the insurgency changed and the Pakistanis and other Muslim outsiders became increasingly involved, violent acts carried out by avowedly Islamic groups calling for Jihad led to increasing pressure on Washington to add Pakistan to the list of states that sponsored terrorism. A series of kidnappings and general strikes in the Kashmir Valley, beginning after the controversial elections of 1989, led India to impose rule by the central government in 1990 and to send in troops to establish order. Many

47 Ibid.
Kashmiris moved to support newly established militant separatist groups after several incidents in which Indian troops fired on demonstrators. Some groups, such as the Jammu and Kashmir Liberation Front (JKLF), continued to seek an independent or autonomous Kashmir. Others, including the Hizbul Mujahideen (HuM), sought union with Pakistan. In 1993, the All Parties Hurriyat (Freedom) Conference was formed as an umbrella organization for groups opposed to Indian rule in Kashmir. The Hurriyat membership of more than 20 political and religious groups included the JKLF (now a political group) and Jamaat-e-Islami (the political wing of the HuM).48

The Soviet withdrawal of troops from Afghanistan in 1989 marked a shift in U.S.-Pakistan relationship. The concern with non-proliferation had been partly suspended when the Soviet Union invaded Afghanistan, and Washington practiced a policy of “see no evil, hear no evil, and speak no evil” concerning Islamabad’s weapons programme.49 However, Pakistan’s strategic relevance lessened considerably since the withdrawal of troops from Afghanistan. Therefore, in order to retain American attention in the region and encouraged by the complete breakdown 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 LoC, 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 Jehad militants into both Kashmir and Punjab and to respond to Pakistan’s enhanced military presence along the international border and the LoC. It is reported that Pakistan had its nuclear arsenal on

alert. The U.S. responded to this military exercise with great concern and felt that Pakistan’s involvement in the secessionist movement in Kashmir had real potential to escalate into a nuclear conflict in the subcontinent. 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 March 6, 1990, John Kelly, 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.” However, the Bush administration did urge the Indian government to enter into a dialogue with the Kashmiri secessionist groups, address the legitimate political and economic demands of the Kashmiris and restrain its security forces against ‘unarmed people’. This phase of internationalizing the Kashmir dispute was characterized by the mobilization of world opinion focused on the human rights abuses.

Kashmir in American Foreign Policy during Clinton Administration

Clinton’s First Term

In the first two years of its tenure, the Clinton administration flaunted protection of human rights at global level. The administration declared that human rights are "the centre piece of its foreign policy". For the first time ever, the Pentagon had an Assistant Secretary for Defence (human rights and democracy) who was responsible for keeping a record of human rights situation in various regions. On April 1, 1993, while addressing the members of American Society of Newspaper Editors in Annapolis, Maryland, President Clinton clearly made human rights a part of the American national security policy. He stated, "During the Cold War, our foreign policies largely focused on relations among nations. Our strategies sought a balance of power to keep peace. Today, our policies must also focus on relations within nations, on a nation's form of government, on its economic structure (and), on its ethnic tolerance. These are of concern to us, for they shape how these nations treat their own people as well as others and whether they are reliable when they give their word." The U.S. proclaimed its support for the concept of universal human rights at the Vienna Conference on Human Rights in June 1993. The Secretary of State, Warren Christopher, stated, "The United States will never join those who would undermine the Universal Declaration [of Human Rights]."

The Clinton administration's renewed emphasis on Kashmir became the focal point of Washington's twin concerns about proliferation and human rights abuse. Reasons for increasing American interest in Kashmir were as follows: (a) the administration saw Kashmir from a non-proliferation perspective formulated by the U.S. intelligence

54 Text of President Clinton's speech to the American Society of Newspaper Editors, April 1, 1993 (see http://www.highbeam.com/library/docfree.asp?DOCID=1G1:14081142&ctrlInfo=Round19%3AMode19a%63ADocG%63AResult&aio=).
agencies which emphasized that India and Pakistan who have fought two wars over Kashmir now have nuclear capability. So, the Indian subcontinent was viewed as a prospective area of nuclear exchange and therefore deserving of American intervention; (b) concern for protection of human rights that became an important plank of Clinton’s foreign policy; (c) propaganda by Pakistani lobbyist and Kashmir secessionists in the U.S. seemed to have completely swayed some of the Congressmen and officials. Pakistani and Kashmiri Muslim lobbies in the U.S., such as the Kashmir American Council (KAC), and Human Rights groups such as Asia Watch and the Amnesty International were able to place the issue of violation of human rights by the Indian state in Kashmir on the agenda of the U.S. administration and the American Congress; (d) the administration’s more activist initial posture regarding Kashmir was perhaps because of a long term plan for dominating Central Asia; and (e) Kashmir assumed new significance owing to the regional security concerns of primarily the U.S. and secondarily of other European powers. It is possible that U.S. assumed that an independent or semi-independent Kashmir could serve as an effective American tool for putting pressure on China, if needed.56

The Clinton presidency’s road to Non-Proliferation Treaty passed through Kashmir insofar as South Asia was concerned during the first year. A zealous arms control lobby in Washington tried repeatedly to pin down New Delhi to join various regional nuclear disarmament proposals, all with the ultimate aim of “rolling back” the nuclear arsenals of

56 Ibid. pp. 128-129.
India and Pakistan. So, despite growing economic and social ties between India and the U.S., President Clinton did not hesitate to raise the issue of Kashmir at international forums and stress upon India the need to improve its human rights record in Kashmir. The first such negative pronouncement happened when President Clinton, in his September 27, 1993, address to the U.N. General Assembly, mentioned Kashmir as a conflict that posed a threat to world peace, equating it with bloody ethnic, religious and civil wars in Angola, Bosnia etc. He stated, “Thus, as we marvel at this era's promise of new peace, we must also recognize that serious threats remain. Bloody ethnic, religious, and civil wars rage from Angola to the Caucasus to Kashmir. As weapons of mass destruction fall into more hands, even small conflicts can threaten to take on murderous proportions.” The next pronouncement came when the Hazratbal shrine was under siege by the militants and Prime Minister Rao’s minority government was facing crucial elections in five State Assemblies. On October 28, 1993, Robin Raphael, the Assistant Secretary of State for South Asian Affairs and one of the key personalities responsible for shaping the U.S. South Asian policy of the time, questioned the very accession of Kashmir to India during a briefing to foreign correspondents in Washington. She stated, “We view the whole of Kashmir as a disputed territory. This means we do not recognize the Instrument of Accession as meaning that Kashmir is an integral part of India. There are many other issues at play in that time-frame as we all know here... The people of Kashmir have got to be consulted in any kind of final settlement of the Kashmir

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dispute." The official dismissed the Simla Accord out of hand by saying, "It is 20-plus years old and there have been very few discussions, if any, under that accord in terms of resolving the Kashmir dispute...It is fine to discuss the Kashmir dispute under the Simla Accord but it needs to happen but that hasn't happened. So by definition, ipso facto, it has not been very effective." She also confirmed that President Clinton's reference to Kashmir in the U.N. address was not accidental and made statements that indirectly suggested that the Indian Prime Minister's offer of a dialogue with Pakistan on Kashmir may have been a result of exhortations from the U.S. She further reiterated the new American position that any lasting solution to the Kashmir dispute would have to be arrived at in consultation with the local population. At the same briefing, she praised Pakistan Prime Minister Benazir Bhutto for not throwing cold water over Prime Minister Rao's offer of a dialogue on Kashmir and virtually let Pakistan off the hook on the issue of terrorism.

Raphael's remarks elicited strong Indian protests who regarded it as a studied tilt towards Pakistan. On October 30, 1993, the External Affairs Minister, Dinesh Singh warned the U.S. that India would not brook any outside interference on the Kashmir issue. It is difficult to fathom the reason behind such a statement from a senior official in the Clinton administration because Raphael had her assignment in New Delhi before she was appointed as the Assistant Secretary of State for South Asia. It might be viewed as an enunciation on the part of the Clinton administration of its interventionist threat to

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59 The Times of India, October 30, 1993.
60 Ibid.
62 Ibid.
pressurize India to agree to America’s non-proliferation regime. Such anti-India statements gave encouragement to anti-U.S. lobbies in India and to India bashers in America. By portraying “the Muslim majority” of the Kashmir Valley as “trapped” between the security forces’ repression and the militants’ violence, it not only questioned India’s secular credentials but, more importantly, equated state excesses with state-sponsored terrorism. The lobbying efforts were so successful that Clinton promised India baiters, like Ghulam Nabi Fai, self-styled protagonist of human rights in J&K, to work with him "and others to bring peace in Kashmir." The KAC’s lobbying of U.S. Congressmen also paid off when, in 1993, the Republican Dan Burton, a member of the House International Organizations and Human Rights Committee, led a number of Congressmen to condemn India with regard to human rights violations and to cut India’s development assistance aid. Clinton also wrote a letter to U.S. Congressman, Gary A. Condit where he talked of his resolve to work "for a peaceful solution that protects Sikh rights" in Punjab. Hence, not only the Indian record of human rights in J&K was used for constant expression of concern by the American policy makers but the situation in Punjab was also used for adverse comment. India took strong exception to Clinton’s letters in the wake of a “series of negative pronouncements from India’s point of view on such issues as Kashmir, human rights and Punjab” and said it was likely “to have negative impact on our bilateral relations.” The Clinton administration quickly moved towards damage control. The U.S. State Department made it clear that Clinton did not

63 Ibid. pp. 131
64 Ibid.
67 Indian Express, January 24, 1993.
support the demand for Khalistan; he was referring to the protection of minority rights when he talked about ‘Sikh rights’. The Indian government also took serious note of Raphael’s reported remarks at an event organized in Washington by the Asia Society and the Indian Council, where she equated the situation in Kashmir with that in Afghanistan. The Ministry of External Affairs said no comparison can be made between the two. The Afghanistan situation was a by-product of the Cold War, while Kashmir faced a massive campaign of terrorism abetted by Pakistan. The U.S. took no time to clarify that a state department official’s questioning of the status of Kashmir could not be construed as a policy statement and reiterated that there was “no change or shift” in the U.S. policy towards India or Kashmir. The State Department arranged a meeting between the Under Secretary of State for Political Affairs, Peter Tarnoff and the Indian Ambassador, Siddhartha Shankar Ray on November 2, 1993, where Tarnoff assured India that the U.S. considered the Simla Agreement as the best means for resolving the Indo-Pakistan differences over Kashmir. He also sought to dispel the Indian impression that there was a “studied tilt” on the part of Washington towards Pakistan. He said, “The United States’ only interest is towards the Indo-Pak relationship being normalized through peaceful dialogue.” The U.S. also ruled out third party mediation because India had objected to it. The U.S. State Department stated, “Knowing India’s objection to this, Washington has for now disowned any intentions of playing such a role. Instead it had indicated that it is willing to assist both the countries in reaching agreements” only if they will demand such assistance. It further clarified in January 1994 that it did not want direct Kashmiri

69 Indian Express, November 4, 1993.
participation in Indo-Pak talks but any workable solution will have to take into account “the wishes of the Kashmiris.” There is speculation that the Clinton administration wanted to broker a Camp David-type agreement between India and Pakistan to find a solution to the Kashmir problem but the priority of Americans was to ‘cap’ the Indian and Pakistani nuclear programmes.

The major casualty of the misleading outpourings of Clinton and Raphael was the seventh round of India-Pakistan Secretary level talks that were resumed after a break of 17 months on January 2 and 3, 1994. While India talked about the Simla Agreement, Pakistan said it respected it, but this did not mean it could not utilize the U.N. resolutions on Kashmir. However, the Indian side felt that U.N. resolutions were no longer relevant. Warning of “immense danger”, Pakistan Foreign Minister Assef Ahmed Ali said at Tashkent in January 1994 that nuclear war might engulf South Asia if Kashmir dispute went unresolved. He raised the spectre of nuclear war in order to focus world attention on the Kashmir problem and squeeze concessions from both India and the U.S. Pakistan also wanted to convey that America’s concern for nuclear proliferation and nuclear war in South Asia is linked with the Kashmir dispute.

During Raphael and Talbott’s visit to India in March and April 1994 respectively, it was proposed by the U.S. to freeze the Kashmir issue for the time being as it was insoluble in the short term. A damage limitation exercise was undertaken by Ms. Raphel during her visit to India between 22-25 March 1994 with the primary objective of removing

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whatever misunderstandings had been created over her statement. In an exclusive interview with India Today, she stated that she had never questioned Kashmir's Instrument of Accession and that "the view that we were questioning the territorial integrity was put to rest within a day or two." \(^74\) She said, "United States supported a negotiated end" to the conflict in Kashmir and "opposed outside aid" to the militants. In addition to Indo-Pak dialogue, U.S. supported Indian efforts to pursue a political process that will bring an end to the fighting in Kashmir.\(^75\) The U.S. Deputy Secretary of State, Strobe Talbott, during his visit, sought to delink Islamabad's nuclear programme from New Delhi's and the nuclear issue from the resolution of the Kashmir dispute. The dual delinking sounded a new shift in Clinton's policy towards Kashmir and non-proliferation in South Asia. It was indicative of a more cautious approach. Talbott told his Pakistani audience, "The issue of non-proliferation is so important...that it needs to be discussed very much in its own terms"\(^76\), i.e. without linking it to Kashmir dispute.

The Indian Prime Minister P.V. Narasimha Rao visited the U.S. between 14-19 May, 1994. Rao tried to de-emphasize the Kashmir issue by effectively arguing against Washington's flirtations with the secessionists in Kashmir. One significant aspect of the joint statement, which came after Rao-Clinton summit talks, is that the two leaders agreed on the need for bilateral negotiations between India and Pakistan to resolve outstanding issues including Jammu and Kashmir as envisaged in the Simla Agreement. For the first time, an U.S. president stated the American stand on Kashmir, calling for a

\(^74\) India Today, April 15, 1994, p. 61.
\(^75\) Indian Express, March 26, 1994.
solution under the Simla Agreement.\textsuperscript{77} Rao's visit also led to withdrawal of criticism about India's human rights record. In January 1995, Secretary of Defense William Perry further clarified the U.S. position so far as a solution to the Kashmir was concerned by urging "both sides to resume talks on the subject despite the absence of any set of proposals to reduce tensions".\textsuperscript{78} The change in the U.S. stance could be attributed to factors such as enhanced trade relations between the two countries, the Indian government's relaxation on its ban on visits by outside groups to assess the situation in Kashmir. In 1994, representatives of the International Committee of the Red Cross were allowed to travel to Kashmir and speak to militant groups. Moreover, Rao promised to begin a political process and take steps toward an election for a Kashmir government, thus replacing the Central rule over the state. A series of visits by Energy Secretary Hazel O'Leary, Commerce Secretary Ron Brown and Defence Secretary William Perry in 1995 to India led to the promotion of bilateral trade and improvement in mutual ties.\textsuperscript{79}

Influential politicians such as Senator Patrick Moynihan and Congressman Lee Hamilton advised the White House that an emphasis on the positive aspects was required to improve Indo-US relations. This message had also been sent by the newly-formed India Interest Group, a lobby representing 26 American investors, which included General Electric, General Motors AT&T, IBM, Coca cola, and other multinational corporations. Meanwhile, continued terrorist violence in the Valley did not seem to help the cause of either the Kashmir lobby in the U.S. or Pakistan's protesting against violation of human rights in the Valley. In July 1994 Al-Faran, a front for the Pakistani Islamic group

\textsuperscript{77} Hindustan Time, May 21, 1994.
Harakt-ul-Ansar, kidnapped six foreign hostages of which one American managed to escape and one Norwegian was found beheaded a month later. It was also at this time that the Indian embassy in Washington first hired a lobbyist (the firm McAuliffe, Raffaelli & Kelly), to market India to the U.S. The one-year $450,000 contract was to provide guidance to India on how to approach issues on Capitol Hill and in the White House. Meanwhile, the New York based Asia Society released a report on "U.S. and South Asia after the Cold War" in which it recommended that the United States should avoid tilts in its dealings with South Asia while giving due recognition to the size and potential of India in the region and beyond. The authors of this report included former U.S. Trade Representative Carla Hills, former U.S. Ambassador to Moscow Arthur Hartman, and South Asia expert Stephen Cohen. It was reported in the October 31 issue of India Today that this was the first year in which, as a result of active pro-India lobbying, no anti-India human rights resolutions had been passed by the U.S. Congress.80

In 1995, America's preoccupation with its nuclear non-proliferation goals led the Clinton administration to seek some leverage over Pakistan to contain its quest for nuclear weapons. Specifically, the administration, in concert with Senator Hank Brown (R-Colo.), introduced legislation designed to override the provisions of the Pressler amendment. The Brown amendment allowed the provision of economic and some military assistance to Pakistan without any attached conditions. Despite vigorous opposition from senators committed to nonproliferation, the amended bill was passed.81

The extension of the NPT and the passage of the Brown amendment, which led to a

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renewal of up to $368 million in U.S. military assistance to Pakistan, inevitably provoked Indian security concerns.82 Additionally, moves toward the finalization of the Comprehensive Test Ban Treaty (CTBT) were also under way at the United Nations Disarmament Conference (UNDC) in Geneva. It is reasonable to infer that the Indian government believed that its window of opportunity was rapidly closing. It is in this politico-strategic context that Prime Minister Rao permitted the preparations for carrying out a nuclear test in December 1995.83 The test was stymied when U.S. reconnaissance satellites picked up signs of activity at the test site and, in response, the U.S. ambassador to India, Frank Wisner, prevailed upon the prime minister to call off the tests.84 There is speculation that Clinton warned Rao that going ahead with the tests would result in severe economic sanctions against India.85 It could also change America’s stance towards Kashmir.

In 1996, following two years of extensive negotiations, the CTBT process gathered steam in Geneva. As the first nation in the world to call for a Comprehensive Test Ban Treaty, India supported the idea behind the CTBT, but in discussions in the Conference on Disarmament86, it also wanted to ensure that the CTBT did not legitimize existing nuclear arsenals as in the case of the Nuclear Non-Proliferation Treaty. India's fundamental concern was that it did not want a "Nuclear Test Explosion Ban Treaty", which would

86 The Conference on Disarmament (CD), established in 1979 as the single multilateral disarmament negotiating forum of the international community, was a result of the first Special Session on Disarmament of the United Nations General Assembly held in 1978.
merely allow the continuing expansion and refinement of existing nuclear arsenals through sophisticated laboratory techniques, but a genuine Comprehensive Test Ban Treaty without any loopholes. The Indians insisted that they would accede to the treaty only if the nuclear weapons states agreed to a time-bound plan for universal nuclear disarmament. The CTBT, as it emerged at the UNDC, ignored all of India's concerns. India had no alternative but to stay out of that treaty, including opposing it in the U.N. General Assembly when the CTBT was sought to be legitimized through that forum through questionable legal sleight-of-hand.

**Clinton's Second Term**

It was, however, the second term of the Clinton presidency (1997-2001) that showed a greater consistency in improving Indo-U.S. bilateral relations than his first term. The Clinton administration dismissed its initial one year after inauguration in January 1993 as "a history of false starts and misunderstandings" in U.S.-India bilateral relations. U.S. Secretary of Commerce, William M. Daley said in Washington, DC, before setting out on his visit to India in the first week of December 1997: "President Clinton wants to make it clear that our relationship with India is extremely important when the time is good and when the time is not so good," given the commitment of the two countries to improve their relations. First, President Bill Clinton, well before his second term but after his re-election to the presidency, announced the change of guard in the Bureau of South Asian Affairs by replacing Robin Raphel with Rick Inderfurth. Many of the initial
misunderstandings in Indo-U.S. relations were due to the pursuit of a pro-Pakistan policy by the US.  

Second, there was a change in the U.S. approach to relations with India and Pakistan. U.S. policy makers at different levels made it clear that their relations with India would no longer be a prisoner of U.S. relations with Pakistan. As though to emphasize this point, Rick Inderfurth, on his first visit to the subcontinent, first came to India, then visited Pakistan and came back to India before returning home. Third, and very importantly, the U.S. gradually, through a step by step diplomacy, came to accept India's point of view that Pakistan had been promoting across-the-border terrorism in Punjab, the north-eastern states in general and more particularly in J&K. Thus, there was a congruence of perceptions over the menace of terrorism between the two countries. This was indicated when the U.S. took the first step to extradite Daya Singh Lahoria, a terrorist accused in the assassination bid on the former Youth Congress President, Maninderjit Singh Bitta, in 1997. Until then, the U.S. had always dilly-dallied on the question of extradition of terrorists wanted by India while always insisting on the other foreign governments to extradite suspected criminals to stand trial in the U.S. The second step was signing of an extradition treaty between the two countries in August 1997 though this was pending for a long time. The third step was declaring the Pakistan-based terrorist outfit called Harkat-ul-Ansar as a terrorist organization. This was vehemently opposed by Pakistan. When it did not succeed, Pakistan disclaimed the fact that the outfit was based in Pakistan and began to state that it was actually based in

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Kashmir.\(^89\) The fourth step was for the Under Secretary of State, Thomas Pickering, to state categorically during his visit to New Delhi in October 1997: "Both of us are committed to work together to enhance our capacity to fight terrorism, whether it is sponsored from the moon or from any other corner."\(^90\) This resolve was also discussed between Prime Minister Inder Kumar Gujral and U.S. Secretary of State, Madeleine Albright, during their meeting in late November 1997 while the latter was on a brief visit to South Asia. The Pickering visit had two high points. The first was the initiation of a process of ‘strategic dialogue’ between the two countries. The second was the successful attempt to move beyond the issue of non-proliferation to other mutually significant perspectives such as on terrorism. The similarity of thoughts between the U.S. and India in tackling terrorism was accompanied by mutually clearer perceptions on Kashmir. A State Department Policy Planning staff member James Steinberg said, “It is ironic that some self determination movements have very undemocratic aims such as the creation of a homogenous mono-ethnic state.”\(^91\)

On May 11 and 13, 1998, India conducted a total of five underground nuclear tests, breaking a 24-year self-imposed moratorium on nuclear testing. Pakistan followed, claiming 5 tests on May 28, 1998, and an additional test on May 30. The unannounced tests created a global storm of criticism, as well as a serious setback for decades of U.S. nuclear nonproliferation efforts in South Asia. On May 13, 1998, President Clinton imposed economic and military sanctions on India, mandated by Section 102 of the Arms

\(^{89}\) Ibid.

\(^{90}\) U.S. Under-Secretary of State Thomas Pickering’s statement made during his visit to India in October 1997; as cited in P.M. Kamath, “Indo-US Relations During the Clinton Administration: Upward Trends and Uphill Tasks Ahead,” Strategic Analysis, vol. 21, no. 11, February 1998.

Export Control Act (AECA), and applied the same sanctions to Pakistan on May 30. He also cancelled his proposed trip to India. Some effects of the sanctions on India included: termination of $21 million in FY1998 economic development assistance; postponement of $1.7 billion in lending by the International Financial Institutions, as supported by the Group of Eight (G-8) leading industrial nations; prohibition on loans or credit from U.S. banks to the government of India; and termination of Foreign Military Sales under the AECA. Humanitarian assistance, food, or other agricultural commodities were excepted from sanctions under the law.\(^92\) Although both India and Pakistan currently observe self-imposed moratoria on nuclear testing, they continue to resist signing the CTBT – a position made more tenable by U.S. failure to ratify the treaty in 1999\(^93\). In August 1999, India’s BJP government released a draft report by the National Security Advisory Board on India’s nuclear doctrine. The report, although retaining India’s no-first-use policy, called for creation of a “credible nuclear deterrence and adequate retaliatory capability should deterrence fail.” It proposed nuclear weapons “based on a triad of aircraft, mobile land-based missiles and sea-based assets...” The United States and other countries criticized the document as destabilizing, noting that, if adopted, the proposed policy would ratchet up nuclear arms racing in the region.\(^94\)

Contrary to Pakistan’s hopes, however, its acquisition of nuclear weapons and world spotlight turning to Kashmir in fact turned U.S. policy to India’s advantage. The events of May 1998 strengthened Washington’s resolve to preserve stability in South Asia; the

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\(^93\) Ibid.

\(^94\) Ibid.
equities of the Kashmir issue took a distinct backseat in the U.S. perspective. Arguing that "the conflict over Kashmir has been fundamentally transformed", Ms. Albright declared that nations must not attempt to change borders or zones of occupation through armed force. "And now that they have exploded nuclear devices, India and Pakistan have all the more reason to avoid an armed conflict," she added. The principle that there should be no forcible change in borders is one that the U.S. strongly supported during the East-West confrontation in Europe during the Cold War. But this is probably the first time the U.S. has applied it to the conflict in Kashmir. The principle was also noted in the Indo-Pak Shimla Agreement of 1972. But the nuclearization of the sub-continent has made it essential that the status quo is not changed by use of force. This shift in U.S. attitudes was evident during the Kargil conflict that engulfed the region in 1999.

With nuclear ambitions well and truly settled, India and Pakistan began efforts to engage in talks, leading to Indian Prime Minister Vajpayee's visit to Lahore by bus in February 1999. The visit of Prime Minister Vajpayee led to the signing of the Lahore Declaration (1999) between the two countries. Signed on February 21, 1999, between Prime Ministers Vajpayee and Sharif, 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 progress and prosperity of the citizens of both. Throughout the end of 1998 and early 1999, the world got the impression that the two nations were coming closer. Pakistan, however, had other

ideas, and stepped up terrorism in Kashmir and the border areas, while continuing consultations. The ploy was exposed in May 1999, leading to open warfare at Kargil. A ceasefire ensued with the retreat of the Pakistani forces after more than a month of fierce hostilities. The Kargil War exposed the Pakistani doublespeak on Kashmir and brought to light the country's involvement in fostering terrorism through active patronization of armed Islamic separatist and militant groups. This evoked strong reactions from the international community. The Pakistanis may have calculated that this incursion would prompt the U.S. to intervene to stop the fighting and cool down a "nuclear flashpoint." To their chagrin, Washington's reaction was sharply critical. In public statements and diplomatic exchanges, the United States called for an urgent end to the Kargil conflict by restoring the LoC. Such an approach endowed the line with a significance it did not previously enjoy.98

In March 2000, President Clinton visited India, the first visit by a U.S. head of state since President Carter's in 1978. Although his statement, just ahead of his tour, that the Kashmir issue was a "nuclear flashpoint", had led many to conclude that he would seek to play a more direct role in South Asia, in the course of his visit, President Clinton made it clear that India was the natural leader of South Asia and Indians had every right to say that the U.S. had no role in the Kashmir issue.99 Emphasizing that the Kashmir issue did not have any military solution, he pointed out that the LoC has to be reaffirmed and respected. Indicating that Pakistan must create conditions for dialogue to succeed, he came down heavily upon terrorism, saying that the international community rejects the

notion that Jehad can be a part of any civilized country's foreign policy. The four Rs outlined by Clinton during his trip, namely, respect for the LoC, restraint, renunciation of violence and restoration of dialogue, were indicators of a 'shift' in US policy, closer to that of India. The militants, responding to the Clinton trip, struck at Chhattisinghpura on March 21, 2000, in a clear bid to defy the president's intentions for creating better ground between India and Pakistan. It was also a challenge to the Indo-US joint efforts at fighting terrorism, as exemplified by the efforts of the two countries in setting up a Joint Working Group on counter-terrorism. During President Clinton's visit to New Delhi, a vision statement (Indo-US Relations: A Vision for the 21st Century) was signed by the president and Indian Prime Minister A.B. Vajpayee. The statement aims to "create a closer and qualitatively new relationship between the US and India" based on shared democratic values and increasingly convergent, pragmatic interests in the political, economic, environmental and other domains. The presidential visit underscored the importance of India as a political and economic partner to the U.S. in the emerging world configuration. In his brief stopover in Pakistan, President Clinton made the American displeasure at the removal of democracy in Pakistan and encouragement of cross-border terrorism, evident to General Musharraf. The U.S. also strongly condemned the terrorist attacks and mass killings in Kashmir while praising the Indian initiative for talks.

104 Reference to President Clinton's address on Pakistan Television, as cited in Pickering's (U.S. Under-Secretary of State for Political Affairs) remarks at John Hopkins on U.S. policy in South Asia, April 5, 2000, Washington File, Press and Culture Section, U.S. Embassy, Bucharest.
with the HuM. President Clinton's visit to India was followed by Prime Minister Vajpayee's visit to Washington in September 2000. The reciprocal visit further broadened the scope of dialogue and mutual cooperation between the two countries, particularly in core areas like abatement of terrorism, and expansion of trade and commerce. By now, it was evident that India was being considered a vital strategic ally in South Asia by the U.S. The Indian stand on Kashmir received a major shot-in-the-arm when U.N. Secretary-General Kofi Annan, during his South Asian tour in March 2001, categorically ruled out U.N. intervention for enforcement of the 1948-49 Security Council Resolutions favouring plebiscite in Kashmir. He also pointed out that the Lahore Declaration (1999) should be the basis for all agreements over J&K. The unambiguous stand of the secretary-general dashed Pakistan's hopes of reinforcing its case for third party mediation in Kashmir. It also highlighted the international community's reluctance to force third party intervention when one of the two main parties (India in this case) was thoroughly opposed to the move. In June 2000, the J&K Assembly adopted the State Autonomy Committee Report which recommended restoration of Article 370 to pre-1953 status with Indian jurisdiction limited to defence, foreign affairs and communications. The Indian Cabinet rejected the autonomy recommendation in July. In November 2000, India announced a unilateral ceasefire in Kashmir which continued through May 2001. All Parties Hurriyat (Freedom) Conference welcomed the ceasefire but stated that the ceasefire will not be effective unless it was supplemented with unconditional dialogues to resolve the Kashmir dispute and an end to human right violations by the Indian forces. The Hizb declared a unilateral ceasefire in July which was withdrawn only two weeks

later, following India's refusal to include Pakistan in any trilateral talks over the Kashmir dispute proposed by the militants.\textsuperscript{107}

The military regime in Pakistan limited the possibility of resumption of the process of dialogue between India and Pakistan, which met an abrupt end after Kargil. In the middle of 2001, Prime Minister Vajpayee decided to set the ball rolling and invited General Musharraf for talks to India. 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. General Musharraf too, appeared keen on shedding his image of an indefatigable warrior against India, by taking on a more reasonable disposition. The conciliatory posture of General Musharraf was supplemented by supportive moves on other fronts. The former All Party Hurriyat Conference chairman and pro-Pakistan Jamaat-e-Islami leader Syed Ali Geelani, a vocal advocate of armed struggle for achieving independence in Kashmir, criticised the jehadi groups for spreading hatred against India. He called it unIslamic to "malign a nation and its people." The HuM also softened its stand and for once, envisaged giving peace a chance on the eve of the Vajpayee-Musharraf talks.\textsuperscript{108}

The Agra Summit (July 14-16, 2001) failed to live up to the expectations it had generated in the course of its build-up. Stopping just short of calling the talks a complete failure, both sides left the summit with mutual assurances of continuing the dialogue. The stalemate in Agra arose principally from General Musharraf's insistence on branding Kashmir as the "core issue," barring resolution of which further talks were deemed


irrelevant by Pakistan. India, naturally, differed with the view, placing equal emphasis on cross-border terrorism as a precondition to greater engagement. Reacting on the issue of Kashmir in the context of the Agra Summit, the U.S. preferred to call it a bilateral issue, and suggested that it would help only if asked to. However, it categorically mentioned that the solution to the issue must take into consideration the views of "those most directly affected, the Kashmiris." 109

The Kashmir Conflict in the Bush Administration

The 11 September 2001 suicide attacks in the United States brought a rapprochement between Pakistan and the West. Pakistan agreed to co-operate with America's campaign against Osama Bin Laden's Al-Qaeda network and the Taliban rulers of Afghanistan. However, tension along the line of control continued. In October 2001, there was a devastating attack on the Kashmiri assembly in Srinagar in which 38 people were killed. After the attack, the chief minister of Indian-administered Kashmir, Farooq Abdullah, called on the Indian government to launch a war against militant training camps across the border in Pakistan. On 13 December, 2001, an armed attack on the Indian parliament in Delhi left 14 people dead. India again blamed Pakistani-backed Kashmiri militants. The attack led to a dramatic build-up of troops along the Indo-Pakistan border, military exchanges and raised fears of a wider conflict.

In April 2003, former Indian Prime Minister Atal Behari Vajpayee offered the "hand of friendship" to Pakistan in a landmark address in Indian-administered Kashmir. He also announced the resumption of a bus service between Delhi and Lahore. In October 2003,

New Delhi proposed confidence-building through people-to-people contacts. Islamabad responded positively and, in November, took its own initiatives, most significantly the offer of a ceasefire along the Kashmir Line of Control. A major breakthrough in bilateral relations came at the close of a January 2004 summit session of the South Asian Association for Regional Cooperation in Islamabad. After a meeting between Prime Minister Vajpayee and President Musharraf— their first since July 2001 — the two countries agreed to launch a "composite dialogue" to bring about "peaceful settlement of all bilateral issues, including Jammu and Kashmir, to the satisfaction of both sides." A May 2004 change of governments in New Delhi had no notable effect on the expressed commitment of both sides to carry on the process of mid- and high-level discussions, and the new Indian Prime Minister Manmohan Singh, met with Musharraf in September 2004 in New York, where the two leaders agreed to explore possible options for a "peaceful, negotiated settlement" of the Kashmir issue "in a sincere manner and purposeful spirit.

Presently, both India and Pakistan have launched several mutual confidence-building measures (CBMs) to ease tensions between the two. These include, more high-level talks, easing visa restrictions, and restarting of cricket matches between the two.

The new Bush administration did not have any different policy towards the Kashmir issue from the one followed by the previous administration. It strongly supported maintenance of a ceasefire in Kashmir and continued, substantive dialogue between India and Pakistan. But his war on terrorism threatened to make enormously more volatile an already existing front for intense India-Pakistan rivalry over Kashmir. While Pakistan joined Bush’s war on terrorism as a frontline state, it supported a movement whose

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activities could be dubbed as terrorism. The December 13, 2001 terrorist attack on the Indian parliament building resulted in exposure of Pakistan’s awkward position. The Bush administration grew increasingly anxious that Indo-Pak relations would hinder its efforts to capture Taliban and Al Qaeda remnants. Washington sought to defuse the situation by adding both LeT and JeM to a State Department list of “designated terrorist organizations” on December 26, 2001.111 Both Pakistan and the U.S. focused more on the Taliban and Al-Qaeda terrorists and their supporters inside Pakistan. Though Musharraf made statements that he would stop cross-border terrorism, he made no concrete efforts. India also expressed its concerns publicly in November 2004 on United States proposed arms supplies to Pakistan. The Indian Defence Minister cautioned on March 17, 2005 that the American supply of F-16s nuclear capable fighter planes and other military equipment could impact the composite peace dialogue between India and Pakistan.

However, the Bush administration, while calling Pakistan its “major non-NATO ally”112, has pursued bilateral relations with India with great vigour. India also reciprocated by offering full support for U.S.-led counter-terrorism operations after September 11, 2001. On July 18, 2005, President Bush and Indian Prime Minister Manmohan Singh issued a Joint Statement resolving to establish a U.S.-India "global partnership" on a wide range of issues. In the July Joint Statement, the Bush administration dubbed India "a responsible state with advanced nuclear technology" and seeks to achieve "full civilian

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nuclear energy cooperation with India." The subsequent visit of President Bush to India led to the signing of a controversial nuclear deal, which would end years of international isolation over India’s nuclear policy, if ratified by the Congress. During the visit Bush also promised to share information on terrorism and co-operate militarily and encouraged India and Pakistan to resolve the Kashmir dispute. The two leaders issued a Joint Statement expressing satisfaction with the progress that India and U.S. has made in advancing the “strategic partnership.”

CONCLUDING REMARKS

Differences between India and the U.S. over issues such as non-proliferation and Kashmir have persisted for more than three decades and are unlikely to disappear soon. From the above study, it is clear that the United States’ stand on the Kashmir dispute is mainly dependent on two factors at a given point in time: tenor of India-United States relations and the strategic utility of Pakistan for any strategic moves that the U.S. intends to make in South West Asia. In the same vein, the conflict over nuclear non-proliferation mirrors the intense struggle between one country’s determination to control the global diffusion of sensitive technologies to help safeguard its own national security,

and another nation’s resolve, also rooted in national security considerations, to build and maintain nuclear independence.

The U.S. strategy for Kashmir was a direct fallout of its Cold War policies of restricting Soviet influence in the region. Throughout the Cold War period, Pakistan was amenable to assisting U.S. in its strategic maneuverings but India did not extend any such privilege. Therefore, U.S. favoured Pakistan as an ally during this phase and generally took Pakistan’s side in the Kashmir conflict. According to some analysts, the U.S. was also opposed to the emergence of India as a regional power. It co-opted China too in building up Pakistan’s nuclear weapons and missile arsenal. The U.S. did not hesitate to keep the Kashmir issue alive by terming it a disputed territory. However, the end of Soviet Union’s invasion of Afghanistan in 1989 saw a change in U.S. policy towards Pakistan. Pakistan’s importance as a frontline state to contain Communism diminished. Pakistan, in order to retain U.S. interest in the region, started encouraging cross-border terrorism in Kashmir, which assumed violent proportions leading to loss of human lives and disruption of civilian activities. This was also the time when the Kashmir problem was internationalized through media reports, NGOs and human rights activists. India’s armed forces were accused of committing human rights violations against the civilian population although they were sent in an effort to suppress militancy in the Valley.

The Clinton administration made nuclear non-proliferation and human rights central to its foreign policy. In order to coerce India into the nuclear non-proliferation regime, the Clinton administration repeatedly brought up the Kashmir issue to castigate India on its

alleged human rights abuses. However, India’s strong reaction to such criticism coupled with its potential as a market after economic liberalization offered U.S. an opportunity for increasing trade and other bilateral activities. Also, the reduced importance of Pakistan in a post Cold War scenario made the U.S. more willing to improve bilateral relations with India. In order to better relations with India, the U.S. toned down its rhetoric about India’s alleged human rights abuses in Kashmir and Punjab while distancing itself from Pakistan. The United States, as a result of its own troubles with domestic and international terrorism, started taking the threat that India faced from Pakistan more seriously. Moreover, India and the United States formed a working group on counter-terrorism, and the emergence of a strong pro-India lobby in the U.S. Congress certainly shifted the congressional balance in India’s favor.\textsuperscript{118} While New Delhi and Washington moved closer during President Clinton’s final years in office, U.S. and Pakistani interest comprehensively diverged. Clinton’s policy recognized the bedrock reality of the Indian position: the two disputants themselves should resolve the conflict, as per the Simla Agreement of 1972. Clinton left no doubt in Pakistani minds about his policy, ”We cannot and will not mediate or resolve the dispute in Kashmir. Only you and India can do that through dialogue.”\textsuperscript{119}

Although the events after September 11, 2001 attack on the World Trade Center necessitated better relations with Pakistan, it has not undermined Indo-U.S. relations. Moving away from the policy of Cold War (where India and Pakistan were viewed as


hyphenated entities), the Bush administration is following a policy of maintaining bilateral relations with both countries. Although Pakistan has strategic importance for the U.S. in order to win the "war against terrorism", its relation with India is more multifaceted. There is scope for cooperation and partnership on a variety of issues such as energy, science and technology, agriculture, education, space cooperation and AIDS. India also has consciously moved away from its virulent anti-Americanism that characterized the heydays of the Non-Aligned Movement. India’s policy makers have taken the realities of the global situation and decided to cultivate better relations with the world’s remaining superpower. The Bush administration, on its part, has not insisted that India ‘roll back’ its nuclear programme. Indeed, the recent historic nuclear deal signed with India in February 2006, might lead to legitimizing India’s position as a nuclear weapons state.