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After Iraq: New Hope for Kashmir?

Christian Wagner / Boris Wilke

Indian Prime Minister Atal Behari Vajpayee's visit to Berlin in May and Pakistani President General Pervez Musharraf's upcoming trip to Germany come at a time of rapprochement between India and Pakistan. With their new initiative to reassume talks, the governments in New Delhi and Islamabad are responding to pressure from the United States, which palpably increased in the aftermath of Washington's successful campaign in Iraq. For the U.S. administration, the Kashmir conflict between India and Pakistan is the most important regional trouble spot besides the Middle East and North Korea. The U.S. apparently has its sights set on a permanent settlement between India and Pakistan of the Kashmir dispute. However, India and Pakistan have reacted somewhat reluctantly to this policy. India has always rejected official mediation in Kashmir. And although Pakistan had previously attempted to internationalise the conflict, the country is now nervous about possible American involvement, which, in the long term, could call into question the country's possession of nuclear weapons.

The recent rapprochement between India and Pakistan can be seen as an indirect consequence of the Iraq war. The unyielding fronts in the Kashmir conflict have begun to give way. In light of the discussion about pre-emptive strikes, Pakistan has distanced itself from the demand for international intervention in Kashmir, and is instead seeking bilateral negotiations with India. India, in turn, has recognised that the U.S. will maintain its special relationship with Pakistan in the context of the anti-terror alliance. India's plan of pursuing the internationalisation of the Kashmir conflict in this context, in order to disavow Pakistan, did not bear fruit. Likewise,

India's strategy of making the permanent stop to the infiltration of Islamist fighters into the Indian Jammu and Kashmir a precondition for opening a dialogue with Pakistan had previously failed.

Thus, speculations before the Iraq war regarding negative consequences for the South Asian region have not come true. Many feared that the military campaign, which was unpopular among Muslims, would give the Islamists fresh impetus and trigger a political inferno, which could have led to a further deterioration in Pakistani-Indian relations.

But the new hope for Kashmir should not obscure the fact that the effects of the

Iraq war and the debates it has triggered are, on the whole, ambivalent. They include the strengthening of the Islamist factions in Pakistan, and apprehensions regarding the policy of the US government among the political elite of both countries.

Consequences of the Iraq War for Pakistan

The fact that Pakistan, as an Islamic republic and partner of the U.S.-led anti-terror coalition, has been one of the 10 non-permanent members of the United Nations (UN) Security Council since January 1 has rendered the situation particularly explosive. President Musharraf and Prime Minister Jamali came under pressure from three sides: the Pakistani population, which rejected any kind of military intervention; the American government, which demanded support for a military strike; and those nations which were aiming for a peaceful solution to the Iraq crisis. The Pakistani government was thus perceptibly relieved that a vote in the UN Security Council could be avoided. Foreign Minister Kasuri officially expressed his regret that it came to war, which he described as “unjustified.” He put the blame squarely on both the Iraqi President Saddam Hussein and on the five permanent members of the Security Council, who had not come to any agreement and, on top of this, had pressured the non-permanent members of the Council.

Thus the government managed to find a balance between public expectations and the vital necessity of preserving the partnership with the U.S. administration. The widespread rejection of the war in Pakistan not only found its expression in the media, but also in a session of the Pakistani parliament, in which all parties spoke out against the Iraq war. The unity in parliament was all the more remarkable, as the President, the government and the opposition are currently enmeshed in a constitutional conflict that has brought parliamentary life to a standstill.

Not only in parliament, but throughout the country anti-war demonstrations condemned the United States and Great Britain as aggressors. The movement was spearheaded by an alliance of Islamist parties, which represents the largest opposition group in parliament. The influential Islamist leader Fazal-ur-Rehman appealed to his fellow countrymen to wage a “holy war” against the “colonial invasion” by America and Great Britain. But the demonstrations, with several hundred thousand people taking to the streets, were mostly peaceful. There was no violence of the kind seen after the beginning of the anti-terror war in Afghanistan. The persistence of the Islamist opposition enabled it to gain a significant degree of support at all levels of society. The rejection of U.S. policy spread into the western-oriented, well-educated middle class. According to a Gallup poll, almost 90 percent of Pakistanis declared themselves against the war. 55 percent even favoured Pakistan intervening in the war in support of Iraq.

It remains to be seen whether the Islamist opposition, whose gains in parliamentary elections last autumn are attributed to their anti-American stance, can capitalise on their enhanced prestige in the long term. So far, their power base is restricted to the Pashtun areas along the Afghan border and conservative segments of the urban population. As long as the blockade of the country’s political institutions is not solved, the Islamists will continue to score points on popular foreign policy questions.

But anger at the constant pressure from Washington and the U.S. administration’s lack of consideration for its allies in the anti-terror coalition, is palpable amongst the security community and Pakistan’s intellectuals on the whole. Nevertheless, the Iraq war only increased an already existing frustration potential, which had been growing since President Musharraf’s decision to support the war against terror. In this connection, the draconic immigration laws enacted in the U.S. after

September 11, and their rigorous application, even against citizens of an allied nation such as Pakistan, play an important role. Pakistan's middle classes, who have many close connections to America, feel humiliated by the treatment of their citizens by the U.S. authorities. The arrest in January 2003 of a well-known Pakistani journalist, who was a visiting scholar at Washington's Brookings Institution, caused quite a stir. Just on the day of Foreign Minister Kasuri's visit to America, the scholar was arrested in public and held in custody for 24 hours for alleged violation of the obligatory registration law, even though his stay was at the invitation of the U.S. government. The fact that journalist and minister were friends underlines the piquancy of the incident.

Pakistan's growing estrangement from the United States might also be encouraged by the discussion about the targets of America's pre-emptive policy. Many Pakistanis fear that their nation, which has a nuclear potential and is associated with terrorist groups, could be the next victim of a pre-emptive strike ("Pakistan next?"). India's Foreign Minister described Pakistan as an epicentre of terrorism, against which the U.S. doctrine should be applied. Considering the improved relations between India and the United States, the threats against Pakistan are taken very seriously in some segments of society.

However, it is also possible that the discussion over the Iraq war might encourage a reorientation of Pakistan's foreign policy. The fear of "Pakistan next?" could rekindle the debate on foreign policy priorities ("Pakistan first" instead of "Kashmir first"). In this context, it is remarkable that the arguments raised in public against the Iraq war were less of a cultural nature than they were political. The pattern of interpretation was not: "Islam against the West," but rather "North against South." The pressure exerted on Pakistan as a non-permanent member of the Security Council was also interpreted according to this paradigm. Sections of the foreign policy establishment

advocated a relaxation of relations with the U.S. and a rapprochement with those Western nations that had spoken out against the war.

Consequences of the Iraq War for India

The Indian government's stance during the build-up to the Iraq war was irresolute. In the press, the war was seen as the beginning of a new international world order, in which India should align itself with the United States in order to also profit from the post-war order in the Middle East. The stance of the Indian government towards such offensive suggestions was relatively reserved. As war loomed closer, Prime Minister Vajpayee declared that the United Nations' patient approach to Iraq's delaying tactics in dealing with the UN inspectors could not last forever. However, India categorically rejected any armed intervention in Iraq directed at regime change and demanded that the Iraq crisis be solved within the framework of the UN.

Once the fighting had begun in Iraq, India, too, saw demonstrations against the allied military intervention. Although opinion polls expressed a strong rejection of the war and sharply criticised U.S., and although intellectuals called for protests against the war, the number of demonstrators was relatively small in comparison with Pakistan. At the same time, the stance on the Iraq war also reflected the love-hate relationship Indian society has with the United States. Despite relations with the United States having significantly improved in the nineties, and the high attractiveness of America for Indian migrants, a widespread critical attitude towards the U.S. persists in Indian society. On the one hand, this stems from the difficult bilateral relationship between the two countries during the Cold War. On the other hand, there is a highly critical awareness among intellectuals from both the right and left-wing party spectrum about the U.S. role in the discussion about the

effects of globalisation on India, especially through the country's liberalisation policies. The resentment against the America was also exposed in the parliamentary debate, in which almost all parties rejected the war. However, the ruling Bharatiya Janata Party (BJP) did not go so far as to officially condemn the war, in order to avoid jeopardising the good relations with Washington.

After the attack by Islamist groups in Nadirmarg in Jammu and Kashmir on March 24, 2003, which left 25 people dead, relations with Pakistan again threatened to deteriorate. India's Foreign Minister Sinha picked up on the U.S. argumentation for a pre-emptive strike in the context of possible action by India against Pakistan: India claimed the same rights with regard to its national security as the U.S. claimed for itself, and equated Pakistan with Iraq, since also the Pakistani government supported terrorist groups in Afghanistan and Kashmir, and possessed weapons of mass destruction in the form of its nuclear arsenal.

Apart from the problems with regard to international law, Pakistan's nuclear potential and the possibility of a nuclear escalation in such a confrontation alone made such action by India impossible. For this reason, Foreign Minister Sinha's remarks were directed towards the international community and the U.S. rather than just at Pakistan. India had repeatedly complained that the U.S. was applying a double standard in its dealings with Pakistan in the war against terrorism and criticised Washington's position of claiming the right to military intervention in Iraq, while at the same time calling on India to negotiate a settlement with Pakistan. The U.S. administration moved back to its familiar positions. Senior government officials backed India's criticism that Pakistan was allowing armed extremists to cross the line of control to continue, although President Musharraf had already promised the United States in 2002 that it would put a stop to the

infiltration. At the same time, however, Secretary of State Colin Powell also spoke out clearly against India's equating the situations in Iraq and in Pakistan.

The debate provoked by Foreign Minister Sinha also had a domestic turn: considering parliamentary elections were due in 2004, the BJP seemed determined to pursue a policy of strength against Pakistan, just as had been the case in 1999 during the military conflicts in the Kargil region (Jammu and Kashmir), in order to profit domestically.

The Iraq war also exposed fissures in Indian-American relations. The nineties had brought a considerable rapprochement between India and the United States in the Middle East, which was expressed in the increasing co-operation between India and Israel, for example. However, clear differences persist with the U.S. regarding relations with Iran and Iraq. In contrast with the U.S., India has long enjoyed good political and economic relations with both countries. Not only is India dependent on oil supplies from the region, but the region is also the largest foreign labour market for two to three million Indian guest workers.

The differences between India and the U.S. on the Iraq question did not fundamentally damage bilateral relations. In the nineties, both sides made a considerable investment in developing their relations and, besides political contacts, they also fostered economic and military relations. The United States sees India as an important source of stability in Asia, while India sees the possibility of raising its position internationally through good relations with the "hyper-power" United States.

New Hope for Kashmir?

With his speech in Srinagar on April 18, the Indian Prime Minister Vajpayee unexpectedly signalled a change of political course. He offered Pakistan new talks and advocated the normalisation of relations. This offer was a surprise, since in the previous months, the Indian government

had linked the resumption of dialogue with Pakistan to a permanent cessation of the infiltration by Islamist fighters. As expected, the offer was welcomed by the Pakistani government, which had repeatedly called for the resumption of bilateral talks. With the closing of camps operated by militant groups in Pakistani Kashmir and the arrest of Islamist fighters, Islamabad signalled that it would make concessions towards India on the question of infiltration. India then moved significantly away from its precondition that the infiltration across the line of control needed to be ended before new talks could take place. Pakistan, in turn, declared its readiness to talk to India about developing economic and cultural relations. This meant renouncing the policy pursued thus far, according to which the Kashmir conflict would have to be resolved before negotiations could begin on improvements in other political questions. The decision to resume flight connections between the two capital cities, the appointment of new diplomatic representatives in India and Pakistan, and the release of Indian fishermen from Pakistani prisons heralded a fresh round of dialogue. The discussions between India and Pakistan in the Security Council in May 2003 were also characterised by moderate tones. In contrast to previous debates in this body, both sides avoided repeating the familiar criticism of each other's policies.

Even though both sides strived to create the impression that this sudden rapprochement had not been caused by external pressure, the opposite is probably true. Already before the Iraq war, the U.S. had made it clear that South Asia, and the Kashmir conflict, represents a major crisis area. However, the aim of internationalising the Kashmir conflict, which had long been pursued by Pakistan, as well as by India since the Kargil war in 1999 and even more strongly since the war on terrorism, now boomeranged back at the governments of both countries.

Just a few years ago, Pakistan would have welcomed the diplomatic initiatives of the U.S. to ease the tensions in Indian-Pakistani relations as a successful and desirable internationalisation of the Kashmir problem. Now, however, in the age of impatient American unilateralism, they appeared in a new light, posing the question whether the country might be the United States' next target after the intervention in Iraq. Since the Kargil war in 1999 at the latest, Pakistan can no longer count on support from Washington in the Kashmir question. At that time, President Clinton condemned the penetration of several hundred Pakistan-supported fighters into Jammu and Kashmir. By exerting pressure on the Pakistani government, the U.S. forced the withdrawal of the militants.

Against the background of the American discussion on controlling weapons of mass destruction, Pakistan became sceptical about the United States' intentions. Considering the announcements made by the U.S., even the leaders of the alliance of Islamist parties (MMA) declared that they preferred bilateral negotiations with India.

India had always refused the involvement of external powers in the Kashmir conflict, referring to the Simla Agreement of 1972 and the principle of bilateral negotiations with Pakistan it stipulates. In the context of the international battle against terrorism, India began to internationalise the Kashmir conflict. After the attack on the Indian parliament in December 2001, the Indian government was forced to acknowledge that U.S. influence on Pakistan was not enough to achieve a permanent stop to the infiltration of armed fighters across the line of control. With regard to the diplomatic statements by the U.S., Prime Minister Vajpayee made it clear that India continues to oppose any official interference or mediation by external parties in the conflict, claiming that the involvement of outside powers in Kashmir had always led to the problem worsening.

Although India and Pakistan are heading towards bilateral negotiations, it was the

diplomatic activities of the U.S. over the past few months that created the basis for these talks. However, it remains unclear to what extent the U.S. government has a special “roadmap” for settling the Kashmir conflict, even though press reports mention 2004 as the decisive date. However, it is obvious that the U.S. is pushing for a bilateral resolution and does not intend to bring the conflict back to the UN. Instead, they would prefer the line of control between Indian and Pakistani Kashmir to be transformed into an international borderline. This had already been mentioned in the negotiations for the Simla peace treaty between India and Pakistan in 1972, but it was never implemented, since it contradicts the Pakistani position. In 1999, the United States had urged India not to cross the line of control in their military operations during the Kargil war. At the same time, President Clinton made it clear in discussions with then Pakistani Prime Minister Sharif in Washington that the Pakistani units were on the wrong side of the line of control. The maps in the “CIA Factbook” of 2002 also mark the state territories of India and Pakistan along the line of control. The revised CIA map of Kashmir, revealed in early May 2003 divided the territory into the “Indian State of Jammu and Kashmir” and the “Pakistani-controlled areas of Kashmir,” making it clear that the U.S. supports the Indian interpretation of the conflict. Joint monitoring of the line of control by India and Pakistan has also been suggested, which, as far as Pakistan is concerned, could even involve neutral external forces, in order to put a stop to the infiltration. The inclusion of Kashmiri groups in negotiations between India and Pakistan was also suggested.

With the state elections in the Indian part of Kashmir in September 2002, the government in New Delhi tried to restore normality in the political life of the region. The election victory of the moderate party PDF, headed by the new Prime Minister Mufti Mohammed Sayeed, saw a sur-

prisingly high voter turnout of around 45 percent. The call for a boycott by the Hurriyat Conference, the rallying point for pro-Pakistan Kashmiri groups, had little effect. Since assuming office, Prime Minister Sayeed has tried to improve the political climate in Jammu and Kashmir. His “healing touch” policy is intended to regain the trust of Kashmiris through putting an end to human rights violations by Indian security forces. However, it is uncertain how far this policy will also be supported by New Delhi in critical situations.

Moderate political leaders in the Pakistani part of Kashmir have also reacted positively to the Indian-Pakistani rapprochement, and even suggested dividing Kashmir along the settlement areas of the religious communities (Muslims, Hindus, Buddhists). This contradicts the earlier official Pakistani position, which makes the unity of Kashmir and a plebiscite conditions for the resolution of the conflict.

Outlook

Instead of the relations between Pakistan and India deteriorating after the attacks of March 2003, a new will for negotiations has been found. Both India and Pakistan have softened their former positions, not least due to U.S. pressure. India has accepted the involvement of Kashmiri groups in possible negotiations. And Pakistan has given up its demand for the conflict to be settled in accordance with the UN resolution, as well as the prioritised importance of Kashmir compared to other areas of politics. The institutionalisation of Kashmir in the framework of an Indian-Pakistani dialogue would open the door to co-operation between the two states in other fields: granting India “Most Favoured Nation» (MFN) status, which the Pakistani government refused as late as December 2002, now seems a real possibility.

The chances for rapprochement between India and Pakistan are good at the moment. The new international environment and

America's new leverage on India and Pakistan could bring more success to this initiative than previous attempts. The U.S. has made it clear to India through expanding bilateral relations that it is interested in a longer-term co-operation, which will elevate India's standing in the world. With regard to Pakistan, Washington has managed to include the military in the process. Only President General Pervez Musharraf, as the army chief, can guarantee acceptance of a settlement of the Kashmir issue within the armed forces. A rapprochement with India could secure the President's political survival in the power struggle with the various different political factions in parliament.

Nevertheless, renewed attacks in the run-up to the Indian parliamentary elections next year could quickly call the normalisation of India's relations with Pakistan into question. A cooling off of Indian-Pakistani relations would boost the strengthened Islamist parties in Pakistan, which see their political future as intimately linked with the Kashmir cause.

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