

India/Pakistan Relations and Kashmir: Steps Toward Peace

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Executive Summary

The agreement between Pakistan's president, Pervez Musharraf, and India's new prime minister, Manmohan Singh, to continue talks on all contentious issues including Kashmir has inspired optimism about reduced tensions in South Asia. If decades of conflict are to be settled, however, the two sides must both do much more to address grievances and deal with the legacies of a half century and avoid too ambitious an effort to attempt everything at once. They need to foster all forms of bilateral contact and improve the lives of Kashmiris, who have borne the worst of the

conflict. Dialogue will have to be expanded beyond high governmental levels if real constituencies for peace are to be nurtured.

This report builds on previous work published by ICG on Kashmir and India-Pakistan relations and was written after extensive consultations with experts representing various viewpoints. It does not lay out a template for peace or what a comprehensive solution would look like because the circumstances for a diplomatic endgame are not yet ripe. Any such proposal at this stage would surely be rejected by both sides. Instead, it suggests steps forward to widen a peace process and make it more sustainable. Previous attempts to reach agreement have all faltered, often after highly-charged summit meetings. It is vital that the current attempts be structured in a way that makes them more durable and less prone to disruption by extremists or violence. Many suggestions are made throughout the paper on how to do this, and how to improve the lives of Kashmiris. The main themes are outlined below.

Five forms of dialogue will be needed to work toward a lasting peace:

Dialogue on normalisation of relations. This is already going on but will need to deal with ways to reduce the risks of conflict and develop confidence building measures (CBMs). Previously agreed CBMs have generally failed and will need to be revitalised while new links should be established to reduce risks of conflict. A wider array of economic, social, sporting and un-official "Track II" contacts should be established.

Dialogue with Kashmir. Relations between the federal government in New Delhi and the state authorities in Srinagar have improved but more could be done. There needs to be revival of debate on Article 370 of the constitution that granted Kashmir a high degree of autonomy, commitment to a ceasefire and willingness to follow through with policies aimed at improved security, human rights and economic welfare in the province. Pakistan's relationship with Muzaffarabad and the area of Kashmir under its control will also have to be reassessed: Pakistan should allow free elections there and reduce the role of security forces. It should also discuss constitutional and legal changes that undermine the governance of the area.

Dialogue within each country. Both Pakistan and India need to do more to open up discussion at home about normalisation and Kashmir. Parliamentary debates should be sustained outside times of crisis, and both sides ought to do more to explain the economic and social benefits of peacemaking. India will have to recognise the usefulness of a greater international role in supporting any peace and making progress to improve lives in Kashmir. Pakistan will need to follow through on its repeated pledges to end assistance to extremists who resort to violence in Kashmir and to halt infiltration across the Line of Control.

Dialogue within Kashmir. Kashmir is now a highly divided society. Efforts must intensify to mend the rifts between its three religious groups -- Muslim, Hindu and Buddhist -- to reduce the gulf between rural and urban areas and to deal with the issue of displaced people.

Dialogue across the Line of Control (LoC). Improved relations between India and Pakistan will eventually have to lead to greater contacts among Kashmiris across the LoC. Both sides should permit a wider array of contacts and desist from anything that would disrupt future dialogue.

All discussion on these issues will be contentious but necessary if the relationship between India and Pakistan is to gain enough ballast that it cannot again be upset as it was in 1999 and 2002 when they nearly went to war.

Kashmir has been changed for ever by more than a decade of conflict. Beyond the political discussions that need to take place, much more must be done to repair the fabric of society in a way that reduces extremism and gives new hope for the future. State Premier Mufti Mohammed Sayeed's call for a "healing hand" needs to be backed up with concerted federal and state action to boost the economy, re-establish tourism, improve human rights and security, reduce abuses by the security forces and help the many victims of the conflict.

Everything from governance to education and healthcare needs funding and inventive policymaking.

Almost all the burden of ending conflict in South Asia lies with the Indian and Pakistani governments but supportive, sustained and sensitive international assistance is also required. Direct mediation or a major UN role have been rejected by New Delhi but the Indian government should recognise that some post-conflict assistance would be useful. The U.S. has played a key role in defusing conflicts but needs to develop a longer-term policy perspective to prevent crises from blowing up. The European Union (EU) should make South Asia a greater priority and be more willing to take an active part there by promoting economic and social integration and doing more to promote democracy in Pakistan.

Any number of missteps could derail the tentative process that is now under way. India and Pakistan must recognise that dialogue will only prosper if it is gradual, sustained, and held mostly outside the glare of the media. They should resist the temptation to push the pace on contentious issues and opt instead to move steadily toward a normalisation of relations. Additional and modest CBMs, including enhanced trade ties, would strengthen existing domestic stakeholders, create additional ones and generate an enabling environment for negotiations on the Kashmir dispute.

Islamabad/New Delhi/Brussels, 24 June 2004

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Q&A / ASIA 1 MARCH 2019

Calming India and Pakistan's Tit-for-Tat Escalation

Reciprocal airstrikes by India and Pakistan have been accompanied by shelling, troop reinforcements and small arms fire. In this Q&A calling for restraint between the nuclear-armed neighbours, Crisis Group's Asia Program Director Laurel Miller notes that the airspace violations alone were the worst for 50 years.



Laurel Miller

Program Director, Asia

[Twitter](#) LaurelMillerICG

What happened exactly?

On Tuesday, 26 February, India claimed that its air force had targeted “the biggest training camp of the Jaish-e-Mohammed ... in Balakot”. The strikes – the most significant airspace violations in nearly 50 years – followed a deadly 14 February suicide car bombing in Pulwama in Indian-administered Jammu and Kashmir (J&K), which had been claimed by the Pakistan-based Jaish-e-Mohammed militant group. India said it launched a “preventive strike” based on intelligence that Jaish intended to attack again. At a press conference, Foreign Secretary VK Gokhale said Pakistan “failed to take any concrete action against terrorists” and that the strike on the training facility had “killed a large number”. In its official statement on the airstrike in Pakistan-administered

Kashmir, the Indian government said, “The existence of such massive training facilities, capable of training hundreds of jihadists could not have functioned without the knowledge of Pakistani authorities”.

Pakistan refutes Indian officials’ claims that more than 300 Jaish militants were killed in the attack. It acknowledges however that eight Indian Air Force jets had violated the Line of Control, which divides Pakistan’s Azad Jammu and Kashmir (AJK) and Indian-controlled J&K. The Pakistan military’s spokesperson said that its Air Force’s “timely and effective response” had forced the Indian planes to retreat, dropping their bombs in an uninhabited area near Balakot in Pakistan’s Khyber Pakhtunkhwa province, causing no casualty or damage.

On 27 February, Pakistan’s foreign ministry said its Air Force had conducted six strikes on “non-military targets” in India to demonstrate the country’s “right, will and capability for self-defence”. Pakistan downed an Indian jet that entered its airspace in pursuit of the Pakistani aircraft, leading to the pilot’s capture. India claimed to have downed one of the intruding Pakistani jets.

“Resort to military force for political ends increases the risks of escalation, no matter how unintended.”

Although it is clear that cross-Line of Control attacks and aerial skirmishes between the two sides occurred, it is difficult to verify both countries’ claims and counter-claims of targets and impact. Pakistani officials have provided evidence, also circulated on social media, of the downed Indian jet and the captured pilot, but claims of six successful strikes conducted in Indian-controlled Kashmir are more difficult to verify. Despite ample evidence of its cross-Line of Control attacks, Indian claims of killing hundreds in the airstrike on a Jaish training base and downing a Pakistani jet lack credence since New Delhi did not provide any evidence.

Why did it happen?

India’s and Pakistan’s latest skirmishes are as much aimed at assuaging domestic constituency concerns as they are at convincing each other of their capacity to strike and seriousness of intent. Still, resort to military force for political ends increases the risks of escalation, no matter how unintended.

In the Indian context, Narendra Modi’s Bharatiya Janata Party (BJP) government felt compelled to react in light of the countrywide outrage in the wake of the 14 February Jaish suicide car bombing. With elections months away, Modi, responding to domestic opinion – particularly that of his hardline BJP constituency – vowed to avenge the dead in Pulwama, including at least 40 Indian paramilitary police officers. “We will give a befitting reply; our neighbour will not be allowed to destabilise us,” he said, giving his security forces “permission to take decisions about the timing, place and nature of their response”. That response came in the shape of the 26 February airstrikes across the Line of Control.

Within Pakistan, given a long history of distrust toward, and war with India, the powerful military establishment had to demonstrate to constituencies at home that India's hostile designs would be forcefully thwarted. On 22 February, days before the Indian Air Force strikes, the military's spokesperson warned that, if India were to attack, Pakistan would never "fall short of capacity" and would "dominate the escalation ladder". The day of the 26 February Indian attack, reiterating these warnings, the spokesperson referred to a meeting of the National Command Authority (NCA), which oversees Pakistan's nuclear arsenal, saying to India, "I hope you know what the NCA means and what it constitutes".

What could happen next and why does it matter?

Both sides have left themselves room to climb down. Pakistani and Indian officials insist that their governments have no intention to escalate hostilities further. On 27 February, Pakistan's military spokesperson said the Pakistan Air Force could have targeted a major Indian military installation in the strike area but chose to attack "in open space", causing no casualties, so as to avoid escalation. The same day, speaking at a Russia-India-China foreign ministers meeting in Beijing, Indian Minister of External Affairs Sushma Swaraj said the 26 February strike, meant to pre-empt another terror attack, "wasn't a military operation, no military installation was targeted". India, she said, "doesn't wish to see further escalation of the situation".

For his part, Pakistani Prime Minister Imran Khan called for restraint and diplomatic engagement and at the same time vividly highlighted the risks inherent in the current situation. The same day as his country's planes launched strikes across the Line of Control, Khan elliptically referenced the nuclear capabilities in a television interview and said, "With the weapons you have and the weapons we have, can we afford miscalculation? Shouldn't we think that, if this escalates, what will it lead to?" He also offered to release the captured Indian pilot and to cooperate with India in investigating the Pulwama attack.

"New Delhi and Islamabad should immediately and urgently revive the hotline between their Directors General for Military Operations, a crucial mechanism to prevent unintended and inadvertent conflict escalation."



Despite Khan's acknowledgement of escalation risks, and Indian and Pakistani claims of responsibility and restraint, their armies are continuing to clash with artillery shelling and small arms fire along the Line of Control. Meanwhile, tensions are also high within J&K due to an Indian crackdown on Kashmiri dissidents, which could provoke more alienated youth to join militants. This apparently was the case of the 14 February suicide bomber, who came from a village close to the site of the Pulwama attack.

What should be done?

The international community, including China, the EU and European governments, have called on India and Pakistan to exercise restraint and prevent further escalation. In Washington, expressing U.S. concern about the tit-for-tat attacks, a White House official said, “The potential risks associated with further military action by either side are unacceptably high for both countries, their neighbours, and the international community”.

If the two sides are to step down from the brink, their leaders, civil and military, should resist the temptation to pander to domestic constituencies and tone down hostile rhetoric.

There is little foreseeable prospect, no matter how desirable, of the top Indian and Pakistani leaderships re-establishing direct communication channels and bilateral dialogue. These have been frozen since the 2016 terror attacks in Indian Punjab and Indian-administered Kashmir, which New Delhi attributed to Pakistan-based militants. Nevertheless, New Delhi and Islamabad should immediately and urgently revive the hotline between their Directors General for Military Operations, a crucial mechanism to prevent unintended and inadvertent conflict escalation.

In the short and medium terms, New Delhi should rethink its approach toward and within J&K, ending the heavy-handed militarised response that has contributed to growing local alienation and disaffection. Pakistan should rethink its longstanding policy of supporting anti-India jihadist proxies, such as Jaish, that – as this latest round of escalation shows – are far more of a threat to national security than an asset.

This article was corrected on 2 March 2019 to place Balakot in Pakistan's Khyber Pakhtunkhwa province, not Azad Jammu and Kashmir, as first reported by Pakistan.

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