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THE KASHMIR DISPUTE: MAKING BORDERS IRRELEVANT

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Introduction and Comments:

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PROCEEDINGS

MR. COHEN: Good morning. My name is Steve Cohen. I'm a senior fellow here at Brookings and I work on India and Pakistan and related issues on a full time basis. This I'm very happy to welcome you to a joint Brookings – U.S. Institute of Peace presentation, or launch of a project entitled "The Kashmir Dispute: Making Borders Irrelevant."

Had somebody proposed this title 15 years ago, I would have said forget about it. The time was not ripe, as many people have said over the years, for a settlement of Kashmir. In fact, timing may never be right for a settlement of Kashmir, but it's more ripe than it was before. I've got some pears ripening in my home right now as this process goes.

This is a project that was done by two eminent individuals in their field. Both happen to be close personal friends, so it was an easy decision for me to -- it took me about half a nanosecond to agree to host this at Brookings. USIP is being rehabilitated, their facilities are being renovated, so, we're serving as the host, but I hope that we're intellectually at least the co-sponsors.

P.R. Chari is one of India's most eminent retired civil servants. He served in the Ministry of Defense, was an Indian Administrative Service officer for a number of years, and then went on to

have a second career as a scholar, and is now a professor and was the founder and, in a sense, resident guru, at the Institute of Peace and Conflict Studies, which I think is India's or South Asia's leading independent think-tank, no question about it. It has the best Web site of all. And if any of you are looking for up-to-date information on anything to do with South Asia, especially security matters, the IPCS Web site is the place to go to.

Hasan-Askari Rizvi is, by far, one of Pakistan's two or three leading academic scholars, and I was fortunate to have met Askari, I think, the day he got his PhD at the University of Pennsylvania and since he was working on the Pakistan Army, and I had also begun working on the Pakistan Army, we've had close and I think a very, very useful contacts over the years, and I think when he and I are in the same room, you have maybe two-fifths of the world's expertise on the Pakistan Army.

So, to the degree the army is relevant for this subject, then, he's the man to turn to.

Kashmir is an issue which is very complex, and I won't go into the details, but basically, as an issue, it grew out of flawed partition plans of the British. When the British left India, the decision was to partition India and a new country called Pakistan, largely on the basis of

religious preferences. But not entirely; there were strategic and economic considerations, as well.

So, the partition took place more or less along Hindu-Muslim-Sikh lines.

However, a good chunk of British – India -- a good chunk of India -- was not under the British control, but under the control of the princes, the so-called Princely States.

The princes were given the choice of going to India or to Pakistan, and they weren't told that they had to do it, but they were told that if they didn't do it, the consequences would be dire. And the choice was to be the princes' choice, not that of the population's.

So, an anomaly occurred while the India-Pakistan partition of British India was more or less along communal lines into Muslim lines and Muslim-Sikh lines. There were a couple of cases where a prince of one religious domination preference chose one of the countries and his people were predominantly of another religion. That happened in Hyderabad, which had a Muslim ruler and a predominantly Hindu population, and, secondly, in Kashmir; there were a couple of others, where you had a Hindu ruler and a predominantly Muslim population.

Now, this raises all kinds of questions of self-determination, the criteria for partition, et cetera, et cetera. It's been the subject of more books than I want to shake a stick at. Matter of fact, we produced one here by Navnita Chadha Behera on Kashmir, which looked at the internal dynamics of both Kashmirs.

So, the dispute wound up in the United Nations, and it's been there ever since. I think it may be the longest dispute before the UN still out there.

It's also been the cause of several wars between India and Pakistan, but not all of the wars. I mean, the 1971 war between Indian and Pakistan clearly had nothing to do with Kashmir as such, but I think the deeper problem has been that it's set the two countries apart against each other psychologically, and that is what the paper by Chari and Rizvi is about. It's the sense that each country is the other country's main enemy that has persisted over the years, and Kashmir is both the cause and the result of this attitude, so I think there's a deeper psychological problem, not simply a legal issue or an ethnic issue or a territorial issue or security issue. But clearly, this goes to the heart of the problem of Indian and Pakistani identity.

In a nutshell, Indians believe that, as a secular state, religion shouldn't be a factor in determining population. They have a legal claim to Kashmir, all of Kashmir, including those parts controlled by Pakistan. The Pakistani position has always been that Kashmir is an unsettled issue; it is still an issue before the UN. In fact, technically, therefore a settlement of Kashmir, it cannot take place until it is settled.

So the position of the two countries from the perspective of the law are quite different.

Today, the format will be that -- copies of the paper are outside if nobody has it, you can pick it up, grab one right now. Today, the format will be that the basic findings of the study will be presented by Professor Rizvi, and then Professor Chari, P.R. Chari will present the policy recommendations of the study. They'll keep their presentations brief because you have the paper, then we'll go into discussion, which I'll join, and I certainly would like the people in the audience because all of you have -- you have several people who know more about Kashmir than I do; that's for sure. We'll have a general discussion, and we should finish up about 11:30.

Thank you very much.

DR. RIZVI: Ladies and gentleman, the report examines an out of the box approach to the Kashmir problem. The summary of the report has been distributed. The whole text will be published in there, and the USIP Web site will also have the whole text.

This report has three parts: One, the main body, and I will talk about the main body. Then the second part comprises recommendations, and Professor Chari will talk about the recommendations of the report.

Third, there are two surveys included in the final report. The two surveys were done in two parts of Kashmir, that is the Indian-administered Kashmir and Pakistan-administered Kashmir. The survey in Indian-administered Kashmir was done by Suba Chandran, who is Mr. Chari's colleague in the Institute of Peace and Conflict Studies, New Delhi. And the survey in Pakistan-administered Kashmir was done by Rashad Ahmad Khan, who works with IPRI Islamabad, that is, Islamabad Peace Research Institute.

These two people conducted these surveys, and the interesting point about the two surveys is that the two gentlemen were not in communication with each other; however, there are several findings that more or less went in the same direction. That is, there was general

support for the idea of making the Line of Control irrelevant, the idea of encouraging interaction across the Line of Control, there was support found in the two surveys.

However, there was also a lot of skepticism, there was also doubt. This skepticism was will the two governments really do that? Is it going to be true or is it yet another propaganda effort by the two governments to not address the question, and then different people approach the notion from the perspective of their point of view or their interest, and I'll come to that subsequently.

And on the Pakistani side, we also examined what are the problems or what are the steps you have to undertake before you can travel on the buses that go from the Pakistani side of Kashmir to the Indian side, and I will talk about those problems later on, and the notion of making borders irrelevant in Kashmir has been examined in the historical and contemporary context, and you will find a lot of material in the report regarding the classical position of the two governments. How does a position change?

But the report is not a kind of paper that talks about the whole issue in an unrealistic manner. There is a full and complete recognition of the issues and problems that are involved; that is, the

difficulties that are likely to come in the way have been fully identified so that it becomes a kind of realistic and down-to-earth analysis of the new trends-data emerging in Kashmir.

Now, by the motion, making borders irrelevant or softening of Line of Control, this could be described as a kind of halfway house between the two positions, that is the Line of Control cannot be changed; that is one extreme, and the other is that the Line of Control should be removed altogether.

So, between the two extremes, you have a halfway house where Line of Control is retained, but interaction in terms of people, goods, and services is to be encouraged because India says that border cannot be changed, and, in July 2007, Prime Minister Manmohan Singh said that the borders cannot be changed, but they can be made irrelevant.

In case of Pakistan, it maintains that Line of Control cannot be accepted as international border, and Pakistani President Musharraf has outlined several proposals from 2003 onward, and one proposal outlined in 2006 talks about greater interaction across the line of change rather than removing it, and Pakistan's former foreign minister argued in 2007 that you can't have an ideal solution of Kashmir, ideal for India, ideal for Pakistan, but the two sides will have to accommodate, will have to be

adopting an attitude of accommodation on this issue, and this solution would be ultimately best solution under the circumstances and conditions. And the new Pakistani government wants to pursue the same course of action and is looking for some pragmatic and acceptable solution of the Kashmir problem.

Now, this new thinking, that is, the two traditional and classical positions should be set aside and make an effort to evolve some pragmatic approach to the Kashmir problem, could not be possible because of a set of changes that have taken place both in India and Pakistan over the last 20 years. And two set of factors are important, I would just mention them and then move on.

First, from the late 80s and more so in the 90s, you had seen Track II diplomacy emerging, and then other tracks also came in, and because of these efforts, several unofficial proposals were prepared and the report summarizes those proposals, so, that was the kind of initial effort to set the ground for the change, and then from 2003, you have flexibility in the official positions of the two government starting from Prime Minister Vajpayee's statement in April 2003 to December 2003 when Musharraf talks about setting aside the UN resolutions and thinking about other options. Therefore, the position is that the two governments have not formally abandoned their classical or traditional positions on Kashmir,

but they have agreed to keep them aside and talk about other options to solve this problem. And that is a positive development because as long as Kashmir stays dogged with the national identity of the two countries in articulating Kashmir with reference to its own identity, Pakistan doing it with reference to its own national identity, there is no solution of Kashmir. That's why the shift is an opportunity to explore new options and the report identifies 11 reasons why this exchange has taken place, and, again, I'm not getting into those 11 reasons.

Now, the major support for this idea of making LoC irrelevant comes from the divided families. They have been the major supporters on both sides of Line of Control. Secondly, the business community that feels that it provides an opportunity for economic and trade relations, although, they are not very sure as to the details of the economic and trade relations that are likely to emerge, but, nevertheless, that are convinced that it would provide better opportunities to them. Third, you have the tourism industry. And, fourth, the people living close to the Line of Control. They definitely have an interest in peace because whenever in the past fire was exchanged across the Line of Control, the people living close to the Line of Control used to be the major victims. However, the attitude of people on both sides varies depending on the interests these people have.

For example, divided families were more interested in family visits, free movement of people, and the important thing was that many people talked about reopening the traditional roots between the two parts of Kashmir. For example, one issue that was raised related to interaction between Pakistan's northern area, especially Skardu area and Ladakh that these people would go to the other side through the old, traditional channel rather than going through Pakistan, then to India, from India to Pakistan, and then to their own areas.

Now, while outlining the recommendations, the report recognizes the constraints, and I may briefly mention those constraints.

One constraint is the obstacle in the way of improving interaction across the Line of Control as they are recognizing constituencies in both countries that are opposed to a peaceful resolution of the Kashmir problem other than pursuing the traditional and classical position of each state. You have really just hardliners group, you have civil and military bureaucracy, especially the intelligence agencies on both sides who are the major obstacle to interaction across the Line of Control.

Second, I think one has to examine the domestic, political context of the two countries at a given point of time because if the governments have problems in the domestic context, their options to be

flexible on Kashmir are reduced, and, at the moment, both sides have problems. India is going to have elections early next year and Pakistan government is dealing with the whole set of problems, trying to keep its feet on the ground.

Third constraint relates to different security perspectives of the two countries.

For example, in India, there's a lot of talk of the Cold Start, and this raises the whole question of limited war and creates a lot of distrust in Pakistan, the whole notion of the Cold Start.

Second, from the other side, that is from Pakistani side, there is a debate as to whether Pakistan military, especially Pakistan army has abandoned the militancy card or it is kept in reserve, which may be used subsequently. Therefore, you're not sure on this issue and this breeds distrust on the other side.

Another important point that has to be taken into account while discussing the prospects of making borders irrelevant in Kashmir is that, no doubt, the peace process has been going on for over the last four years, but there has not been any problem-solving between India and Pakistan, and that is one major pressure on the Pakistani previous government as well as on the present government from those who are

opposed to normalization of relations with Pakistan because the major criticism which Pakistan government faces is that, yes, there has been normalization of relations, improvement of relations, better movement of people, improvement in trade. But no issue has been solved, even the less contentious issues have not been solved. If there is some problem-solving, I think some of the hardliners will not be able to apply that much pressure.

And the last constraint is that you can't really talk about improvement of relations across Line of Control unless the two governments, that is, the Indian government and the Pakistani government, continue to improve their relations. In a way, Kashmir is hostage to the nature of relationship that India and Pakistan are going to pursue.

And the last point is about the bus service.

At the moment, there are two bus services running across the Line of Control. One is Muzaffarabad-Srinagar bus, which was initiated in April 2005. It was disrupted after the earthquake in October 2005, but restarted in 2006.

The second bus service was initiated in June 2006, Poonch-Rawalkot bus service, and one bus in two weeks, that is the schedule of the buses.

Now, we examined what are the steps that are involved in going to the other side of the Line of Control and we examined the Pakistani side and we found that the process is extremely cumbersome and I would say humiliating. Therefore, it discourages people to go to the other side because if you want to go to the other side, then you have to complete seven or eight forms, and you should keep in mind the literacy rate is extremely low in that part of the world, and then those forms are scrutinized by the Pakistani intelligence agencies, different agencies local and other agencies will examine those papers, and once they think that the person can be allowed to go to the other side, then those papers are sent to the Indian side, to the Indian administrator, Kashmir, and a similar process is followed there. And after the intelligence agencies on the other side have cleared those individuals, then information comes back to Pakistan and the local authorities inform the individual, yes, now you can go to the other side, and that may take one month, two month, nobody can give you a kind of definite date.

So there is a need to improve these procedures if the two governments really believe in making borders irrelevant. Otherwise, doing things on paper is not enough.

For example, in October 2005, they agreed to open five new crossing across Line of Control, and some of them were opened, but with the exception of one or two, all are irrelevant. You can't really go to the other side, so I would conclude by saying that while making borders irrelevant is a good idea, it has a lot of prospects and this helps to shift the focus of the whole issue from the two states to the people of Kashmir, and this notion also allows you to build ethnic and regional diversity in Kashmir into any solution of Kashmir. Therefore, you make the solution more realistic, more down-to-earth through these kinds of approaches, but much depends how the governments of India and Pakistan behave.

Thank you.

MR. COHEN: Thank you. That's a good presentation of the bulk of the paper.

Let me call on Professor P.R. Chari to discuss the policy recommendations.

MR. CHARI: Thank you, Steve.

Ladies and gentlemen, let me start with an anecdote. Let's say that David Ben-Gurion, Israel's first prime minister, was asked, or rather he said, that if anyone who wishes to be realistic and there is no (inaudible) of people who want to be realistic about the proposal that we are discussing in view of the relations between India and Pakistan, well, what David Ben-Gurion is supposed to have once said, that if anyone wanted to be realistic about Israel, he would have to believe in miracles. Two miracles, he said, have already occurred: the miracle of the establishment of Israel and the second miracle was its survival for 60-odd years.

A third miracle of an Arab-Israel peace is awaited. And, now, if I was to translate this, show this as a battle with Kashmir, what we have in Kashmir is three wasted generations, conflict in Kashmir fostered by conflict between India and Pakistan. But the first miracle has occurred, which is that the Line of Control in Kashmir has become a dormant border. Probably you would feel that this is an exaggeration, but I would like to point out that the border, the Line of Control in Kashmir was never enacted, and even in the 50s, there used to be booby-traps laid on both sides of the border, taking its own toll of lives, human beings, and of livestock, and this cycle of action, reaction, incident went on and on and on.

Now, at the moment, cross-border infiltration continues, minor incidents do occur, but we need to compare the border situation before 2003 when artillery duels between India and Pakistan along the Line of Control, or across the Line of Control, were a daily occurrence.

The second miracle that has occurred is that the India-Pakistan dialogue has yielded a viable modality to address the Kashmir problem, the Line of Control everybody realizes cannot be wished away, and that it constitutes an international and a legal boundary between India and Pakistan, but -- and this is my basic point -- too much of blood and treasure has been expended by both countries to allow the Line of Control's (inaudible). Making Line of Control permanent would really ignore the reality of India-Pakistan history, also. And the independence option, which (inaudible) you can think of any number of options, but these are the three main options.

The independence option is a non-starter because of the fact that it is unacceptable to either India or Pakistan, hence proceeding on the basis of the (inaudible) logic in Hindu philosophy, which really means it is not this, it is not this. And, so, if you have a problem what used to be done by those philosophers was to lay out all the options and say it is not this, it is not this, and, therefore, what remains is this.

Consequently, as I said, on the basis of this logic, the modality of making borders irrelevant gains salience.

And the third miracle I suggest would occur where the Line of Control's irrelevance may not happen tomorrow, may not happen another 10 years, but whenever that occurs, it will catalyze the relations between India and Pakistan. I'm optimistic because I look back and I see what were relations a couple of centuries back between England and France. I look back to more recent history and I see what has been the state of relations between Russia and China, which seems to have gone up and then come down, it seems to be improving again, and, therefore, I do believe that there is cause for hope.

Now, I know that after having said that there is no dearth, again, of cautionary tales about resolving the Kashmir conflict in any way, and the usual reasons are the time is not ripe, that there have been in the past too many false dawns and so, one should not expect that anything really would happen. Also, that the Kashmir dispute is too deeply embedded in the psyche on India and Pakistan and in their hostile relations, and, therefore, the need to be realistic. And I know also that, over the last few weeks, that ever since the civilian government came into Pakistan after the recent elections, there have been a number of confused signals that have been emanating from Pakistan about the future of India-

Pakistan relations. I won't go into them. Take it up in Q and A if there be an interest, but then again, proceeding on this optimistic line, what is the good news?

I would say that, number one, India and Pakistan have not in the recent past ratcheted up the hostility against each other, which was almost something which was (inaudible) before 2003. It seems to me that the operations of nuclear deterrence will not permit any forcible alteration of the status quo. They're also aware that cross-border terrorism and encouragement to local militancy is disfavored by the United States and generally by the international community.

Number two, there is a sense which I perceive in the establishments in India and Pakistan that the Kashmir issue will not yield to an easy resolution, something which Rizvi drew attention to, but, before that, a favorable atmosphere needs to be created, and that requires -- and one of the modalities which is available is the deepening of people-to-people relations, which is exactly the reason why the intelligence agencies and some of the people in the establishment don't like this.

The modality lies in deepening people-to-people relations, in strengthening bilateral trade, economic, and very important cultural ties.

Number three reason for optimism is that, more broadly, India and Pakistan are proceeding to negotiate substantive CBMs like the Sir Creek, like Siachen, and like the Iran-Pakistan-India pipeline which, incidentally, I do believe, although it is anathema to the United States, would gain currency as the Indo-US nuclear deal about which I'm sure all of you are aware. The prospects for that get dimmer and dimmer.

And the number four reason that I would advance is that there seems to be a similarity of perceptions on both sides of the Line of Control on the need to soften borders and increase its viability through greater interaction, and this is what was the amazing thing, as we mentioned, that we had two people, an Indian and a Pakistani, interviewing people on both sides of the Line of Control, and they came to roughly similar conclusions, which was amazing because they're not in touch with each other and they've met for the first time, it was really when the reports were out and they met each other for the first time.

Now, coming to the limit, which I have, which is the recommendations of the report, I would encourage you to see the summary because they're very extensive and they have to be gone into in some detail to understand the nuisances, but, broadly, what we are saying is that we have four major categories for recommendations.

And, number one, mobility across the LoC has to be increased. That would permit a deepening of people-to-people contact. Number two, to increase trade and commerce. Number three, to have more by way of moralities for having humanitarian need and a joint development of the region. And, number four, to enhance public administration efforts on common issues.

Now, going a little more into details, as far as the questionability across the LoC is concerned, Rizvi has already mentioned the bus services. To my mind, it is most important. It is most important because of the fact that it is highly visible, and, what is more -- and this is something that I discovered having dealt with Kashmir for so many years - - but then, after that, on this occasion, I did find that there was a psychological sense in Srinagar of being constrained within the geography of Kashmir to it. There was only one road out and there was only one road in, and they somehow felt psychologically claustrophobic.

The opening of the Srinagar-Muzaffarabad Road permits that psychological sense of claustrophobia to be removed, and, as we mentioned, the most important roads, the first one was the Srinagar-Muzaffarabad Road. Not many people now are traveling on it for the simple reason that, well, there is a surfeit of local people who would wish to travel, and now a lot of people who were traveling on this road are

traveling by the Poonch-Rawalkot Road, and I do believe that if more such road links are established between the two sides like, for instance, between Jammu and Sialkot, between Kargil and Skardu, and the pilgrim traffic through Tibet is extended into Central Asia.

Historical research and historical trade roots existed at a point in time which connected India to Central Asia via these routes, and the revival of these routes would permit in the years to come not only greater connectivity between India and Pakistan, between the Indian part of Kashmir and the Pakistan part of the Kashmir, but also its extension into Tibet and to Central Asia. So, that is a very important kind of proposal if it ever comes through.

Civil society exchanges between professional groups is equally important, and I do believe that if lawyers were to meet, the parliamentarians were to meet, academics were to meet, media people would meet, you would create constituencies which are in favor of making borders further irrelevant.

So, that is the first proposal relating to -- those are the first two recommendations about making mobility across the LoC easier.

The second one, as I mentioned, was to increase trade and commerce, and here the problem really is to restore the battalions of trade

and commerce that existed before partition, before all these things happened. I'm a great believer in that there being certain traditional routes which, over the ages, had come into being, and which need in the case of Kashmir to be revived. Trade cannot just be restricted to trade between the two parts of Kashmir because that would not perhaps -- I'm given to understand -- be financially or commercially viable, and, therefore, what needs to be targeted for is direct trade between Jammu and Kashmir and Azad Kashmir with Pakistan and India respectively, which would make that trade commercially viable.

There is also for this purpose the need to upgrade roads, existing roads, those that might be opened in the future to standards which would permit truck traffic, and, by that, what I mean is not only does the road surface have to be strengthened, but bridges, which are very important have also need to be strengthened.

So, trade, in a sense, is also linked to communications and sort of making those communications and upgrading those communications, and there is a need, also, for establishing trading houses, banks on both sides, to commit that kind of commercial activity, to revive what existed earlier, which is river transport. The River Jhelum used to be used previously for floating down logs, timber. It used to be used for traffic, and, now, of course, the river is in need of de-habitation,

but, should that happen, road transport could become a very important task of this trade, to improve trade.

Tourism, as we spoke about, very important. One could develop circuits, including, incidentally, a Buddhist circuit because a lot of Buddhist artifacts are to be found on both sides of the Line of Control, and, naturally, they're also to be found in Tibet, and they are to be found in Afghanistan.

So, if at all it could be conceived of, the tourism circuit would greatly help.

And, finally, on this point, landline communications.

At the moment, it is amazing that, although you have communications through satellites and mobile phones, for some reason, the two governments are very obstinate and they do not permit landline communications, which didn't make much sense to me.

Thirdly, I spoke about humanitarian aide and joint development of the region, and here the suggestions are that a facility should be made available for people to get medical treatment on both sides of the border. Clearly, there are people who live near the border who would find it more convenient, perhaps cheaper, to go to the other side for purposes of getting medical treatment. Demanding operations, in

all these operations and all these wars that took place between India and Pakistan, there were a lot of mines laid along the border, and as a result of (inaudible) and as a result of landslides and so forth, sometimes these mines shift, and when they shift, you don't know really where they are, and, as a result, there are a lot of civilian casualties and casualties among livestock.

So, if both sides could get together and do a certain amount of de-mining around the border, around the Line of Control, it would certainly lead to greater connectivity. Then disaster management -- that a good example was the 2005 earthquake which was devastating on the Pakistan side, but also affected the Indian side. But both got together to try and reach whatever assistance was possible for the unfortunate people who were affected in that earthquake.

Forest management on both sides of the LoC. You have forests, and there's a lot of illicit activity that goes on, sometimes with the connivance of officials, sometimes because of the difficulties of the terrain, but both sides, if they could cooperate, it would greatly help and, as I said, to make the border also irrelevant in that sense for the control of the forests. Hydropath and irrigation, immense potential, and I could speak for a long time on this.

Coming to the last point, public administration sphere, we do visualize that a certain amount of cooperation is possible in local government issues to combat terrorism, and, of course, to establish military to military exchanges in, shall I say, civil directions like, for instance, to have sports activities between the two militaries. To think in terms of exchange of military bands and so forth.

We have in this report, as you will notice, a case study on liberalizing travel regime. There are major problems, and the major problems, to my mind -- and I agree with the Israeli bureaucratic procedures; they have made extremely difficult for people there. A lot of them are illiterate, and, consequently, if the governments are interested in trying to liberalize travel across the Line of Control, the first thing really to do is to think in terms of making the bureaucratic procedures simpler. It is normal for security and intelligence, the operators, to discourage people to people contact for purely what I would call institutional reasons. But the political leadership, to my mind, has to provide clear direction. There is no intelligence agency; there is no security agency to my mind which can go against a clear, political direction if that political direction is given. It's only when the sound emanates from an uncertain trumpet that you find that these agencies are able to do what they want.

Several suggestions have been made in the report about how to relax travel regimes. And, so, to conclusions, I have two.

Firstly, a greater emphasis -- and it has to be laid not on making more and more recommendations, but on implementation those recommendations and the decisions that might be taken on them. And the second is that it seems to me that the United States has a heightened interest in supporting the India-Pakistan peace process generally, and a resolution of the Kashmir problems perhaps through this modality of making the LoC irrelevant because of the fact that if this doesn't happen, then it would deflect the attention of both countries from the war on terror, which seems to be an American priority in that region.

Thank you very much.

(Applause)

MR. COHEN: Let me thank both professors Chari and Rizvi for presenting this summary of the report so concisely and so effectively.

I'm sure a lot of you are familiar in airports and train stations where there's always a sign that says meeting point or there should be a sign that says meeting point, especially in the UK, and if you're trying to find somebody, you go to the meeting point. Hopefully, there's only one meeting point. And this paper is, in a sense, a meeting point if India and

Pakistan want to meet. It is literally a roadmap, quite literally a roadmap as to how to link these two countries in a process which would lead to, if not the resolution of the country or dispute as such, but at least making it irrelevant. And I'm glad that at the end you mentioned the United States (inaudible).

This is a US Institute of Peace-sponsored project, and the US government, as such, has nothing to do with it. However, I recall reading a week or two ago that George Bush said allegedly to a Pakistani diplomat who then leaked it to the Pakistani press that Kashmir could be solved. That's the first words I've heard from the Bush administration. I'm not sure if it's an accurate report or not, but it hasn't been denied by either the Indians or the Americans or the Pakistanis, and we'll just let it sit out there for what it's worth.

But I do agree with you that there is a potential American role in this. Above all, don't make things worse. That's clearly the first bit of advice to offer.

Let's turn to you and to ask if you have questions, either general questions or questions for either Chari or Professor Rizvi.

Howie? Ambassador Schaffer?

MR. SCHAFFER: Thank you very much. Howard Schaffer, now at Georgetown University. Delightful to hear you two gentlemen speak, and I'm looking forward to reading your report.

I'm interested to hear you mention, Chari, that you see a role for the United States. This idea of soft borders goes back a long way. It also goes a long way back in American thinking.

I've been researching a book on America's role in Kashmir, and I discovered that way back in 1961 when Jawaharlal Nehru was visiting the United States, the American ambassador to India who was sitting in on the talks between Nehru and Kennedy raised the subject with Nehru of soft borders, which Nehru welcomed, understanding of course that India would keep a part of Kashmir that it really wanted, and that is the Vale.

I think we'd have to agree that this can be wrenchingly difficult area to make progress. You mentioned the difficulties with the bus. I understand that it may be even worse than that in that the bus passage is restricted to people who have connections on one side of the border or not, so, nobody who just wants to make a trip say for business purposes from Srinagar to Rawalpindi can make use of it. And as far as the earthquake went, it was wrenchingly difficult there, too, to open up the

border at a number of places so that assistance could be used on the other side.

I agree with what you have argued. It just seems to me, however, and I expect that you would agree to this, that this has got to be part of a larger settlement, which I think needs to include a change in the status not of the territorial division but instead of the position of Kashmir, the Indian-held Kashmir within the Indian Union and Azad Kashmir and the Northern Areas within the territories of Pakistan. I think though that this, the scheme that you propose really can be a vital part of the solution.

MR. COHEN: Thank you, Howie. Other questions, comments? Yes, right here.

SPEAKER: Thank you for your presentations, gentlemen. My question was harking back to around 1999, there was a sense of opportunity lost because there were these amazing confidence-building measures happening with the bus system, the rail system, and the prime ministers of both countries meeting, and simultaneously, all of a sudden, there was the Kargil War that took place as if almost by surprise and derailed the entire procedure. And this was after this wonderful warming of both cultures through sport and culture exchange, and my subsequent point is do you feel that changing regimes, which the instability of politics

in the subcontinent is a well-known fact, do you feel that has -- plus the disagreement between those regimes or factions of those regimes, do you feel those two things have truly stymied negotiations as regards to Kashmir?

MR. COHEN: Either of you? (They're busy writing the question down). Do you want to try to answer it, either of you?

DR. RIZVI: Yes, I can.

Well, I think coming to the first comment, I think this is true that, at the moment, only the divided family could travel through the bus and there is a need to allow others to go to the other side, but that's not the position at the moment, that's why bus services -- the two bus services are not being fully utilized, and it's only once a fortnight.

And so far as earthquake is concerned, I think earthquake contributed to realization that cooperation across Line of Control would be useful because in certain cases it was easier to bring assistance from the other side than coming from one's own side. And on October 29, 2004, within three weeks of the earthquake, India and Pakistan agreed to open five points on LoC, and some of the assistance was generalized through those five points which were open, and since then there is a realization

that for humanitarian and other reasons more points have to be open so that if you have an emergency, you can really deal with that.

And I think if this notion goes on that is making LoC irrelevant, the whole question of relationship of each part with it's own country, Pakistani Kashmir with Pakistan, Indian-Kashmir with India, this question will also have to be addressed if Line of Control has to be retained and softened, then the question of relationship of Kashmir with its own mainland will have to be reviewed, the kind of powers the state governments exercise, the options, and, in case of India, the whole question of Article 270 comes back to what extent that can be restored, and on the Pakistani side, to what extent Pakistan would give autonomy to Pakistani Kashmir. The whole question will have to be reviewed.

So far as the other second issue where Kargil is concerned, yes, I think Kargil War is one unfortunate episode that build a greater distrust in the relationship, but I think both sides have learned from that, that that kind of adventurism will not pay. But you have to add another incident to that, that is 2002 confrontation that took place between the armed forces of the two countries. That also caused a lot of distrust, but it appears that now India and Pakistan have overcome the negative fallout of these two incidents, and they want to explore new options to improve their relations.

MR. COHEN: Bob Hathaway is next. Yes.

MR. HATHAWAY: Thanks, Steve. Bob Hathaway,
Woodrow Wilson Center.

A question for both of our panelists, and it has to do with the amount of political space or political running room for both governments both in New Delhi and Islamabad. The governments remain in power only so far as they're supported by a coalition of political parties.

Can you talk about whether in both countries if the governments were to accept all these recommendations to be unusually bold, is this the vote winner, is this a vote loser, and who within each country is going to attack a government that wants to be bold on Kashmir and what difference does it make in a political context?

MR. CHARI: Well, actually, Bob, what you say is no doubt true, and coalitions generally like to think of things and do things which they feel that get them the votes, and sometimes they do things which they don't understand and sometimes they do things which none of us will understand.

MR. HATHAWAY: Here, too.

(Laughter)

MR. CHARI: But what I'm trying to say is that I continue to hope that what we would have at some point in time in such proposals, if such sort of (inaudible) proposals are to go forward, if we won't be meeting really with politicians, but with statesmen, and I would give up hope. I thought I saw in what Vajpayee was doing, some shades of that, statesmanship. After even Kargil -- before Kargil, as you know, he went to Pakistan in that bus journey, which, unfortunately, as somebody said, you see the bus journey started towards Lahore and ended in Kargil. And even after that, and even after the 2001-2002 border confrontation crisis which as we (inaudible) to, he was the person who offered, as he said, his hand of friendship symbolically in Srinagar. Okay? And it was that which initiated and started this peace process.

So, I continue to hope, no doubt, as far as coalitions are concerned. There are a lot of pressures on them in trying to sort of make borders irrelevant in Kashmir. That's no doubt true. But then what about people in Kashmir itself? If you have a coalition which is very loose and you have the states running them, there are also foreign policies and so on and so forth (inaudible) being done in West Bengal.

You could think of a situation theoretically where the two Kashmirs could be running their own foreign policy with a very weak New Delhi unable to do anything much about it.

So, I continue to hope. All of what you say is correct.

MR. COHEN: Do you want to comment on Pakistan?

MR. RIZVI: Yes, I think, yes, there are serious domestic restraints on both governments and for the two governments it becomes very important that they hold onto power and if they are contesting elections then they win the election. However, the public opinion in two countries has changed a lot and the notion as such that is making Line of Control soft is generally accepted with the exception of certain (inaudible).

However, the problem arises on specific measures to promote the motion of making borders irrelevant and here I would go for a graduated and step-by--step approach, and most important thing would be a kind of initiative that the governments have to take because if you leave everything to the bureaucrats, especially to the intelligence agencies, I'm afraid much will not happen.

MR. COHEN: Let's see. Colonel Datta had his hand up earlier, so, let me -- Colonel Datta?

COLONEL DATTA: In these measures taken by both the countries to build confidence in each other, has there been reconciliation given in this report to a hidden factor of the vested and invested interest of

the superpowers in each country and (inaudible) the major power (inaudible)?

DR. RIZVI: Well, whenever people discuss Kashmir then two levels have to be kept in mind: One is the regional level that is India and Pakistan, unless India and Pakistan agree nothing can happen in Kashmir, but then you have also to bring in the international dimension, the interest of the superpower and Mr. Chari in his presentation talked about the fact that if relations include if Line of Control is softened, if interaction improves, then this will also facilitate containment of extremism and terrorism in the region, and that will definitely make the global power interested because it fits into their agent of containing terrorism in the region, then it is definitely a positive approach.

MR. CHARI: I'd only like to add, we already spoken about the United States and its interests in sort of promoting such measures. I'm very hopeful that China would also be positive. In fact, right through in the last few years, they have not made any statements that were, should I say, unhelpful to the resolution of the Kashmir issue, which is very important to my mind. As far as Russia is concerned, I don't think that Russia has any interest whatsoever in promoting conflict between India and Pakistan.

So, I don't know which major powers you feel would be sort of inimical to this idea.

MR. COHEN: I would add that because China is actually in Kashmir, it occupies and it owns, thanks to Pakistan, a big chunk of Kashmir. It is legally and strategically going to be part of any settlement, and I would agree with Professor Chari that Chinese attitude towards Pakistan and towards India is rapidly changing, and in any agreement, settlement, even if it's tacit, Chinese should be involved, and I think that should be done with the cooperation of both India and Pakistan.

Ambassador Schaffer? Other Ambassador Schaffer?

MS. SCHAFFER: Teresita Schaffer from CSIS.

Bob Hathaway asked about the politics of moving towards a happier situation in Kashmir. I'd like to pursue the same theme, but in a bit more pointed fashion.

Who are the spoilers? I mean, we are accustomed to thinking who would benefit from soft borders, who would benefit from a settlement?

And, in my judgment, there's a long list of entries on that list. Who are the losers and the potential spoilers? It strikes me that the idea of easier border crossing, which is one of a number of ideas that I had

also explored in my book on the economics of peacemaking has a bit of a downside in that it would make both countries more vulnerable to people they consider undesirable crossing the border.

So, how does one deal with spoilers, and I'd like you to focus a little bit on the people in Kashmir as potential spoilers?

MR. CHARI: As I see it, Teresita, the spoilers fall into certain categories. I won't speak about the bureaucracies that are involved, and, as I have already sort of said, that it really depends on more certain political leadership to keep that in control.

Now, there are, of course, as far as Kashmir is concerned, certain things that are happening as far as domestic politics are concerned. In the sense that you have a group which believes that -- in Srinagar itself which believes that, as a matter of fact, there are renegotiations, Pakistan should be brought into the picture as far as a resolution of the Kashmir issue is concerned. There are people who believe that this particular group is losing its hold because of the fact that it is only restricted to Srinagar and a few ideas that are around and that the larger population in Kashmir is not interested in all these kind of politics, but they are interested in trying to improve relations with each other.

But I agree with you that there are certain constituencies which we don't recognize. And I'm not too sure as to how important they are.

For instance, if borders were to be irrelevant, I do understand that there would be a return flow of people who (inaudible) as refugees. And, as we have pointed out in our report in one place, those people are feared by the people who have already occupied their property. They may have to return, evacuate property which they have taken.

So, you know, there are certain constituencies like this, but I chose to be optimistic and believe that we have to look at the totality of the picture and if there are constituencies of this kind then to the extent possible, they should be accommodated. But, as you know, you can't take everyone with you on every issue in a democracy.

MR. COHEN: We had a gentleman back there. Yes?

MR. BOUTWELL: Thank you. My name is Jeffrey Boutwell with the Pugwash Conferences. We're also doing some work on looking at ways of facilitating economic and civil society cooperation across the line of control in conjunction with the USIP. And this is also a question or a comment about political space and political will, given that you've

answered a couple of questions already, you can consider it a comment and not a question.

But it's a data point. We had a workshop in Colombo, Sri Lanka back in March where we brought together economic and business leaders from the two sides, so, the Line of Control plus India and Kashmir. And we had three leaders of chambers of commerce from Jammu and Kashmir come who were very much looking forward to meeting their counterparts from Azad Kashmir, who, up until the very end, said they were coming. In the end, they did not come.

One can never say for sure why they did not come, but there was a general sentiment that it was they were being essentially informed in so many ways not to come. That the political space, political will for these officials from Azad Kashmir, to come to Colombo and meet with our counterparts from Jammu-Kashmir, was not yet there.

How do we push that forward? How do we get these people in a fairly benign way, just chambers of commerce leaders meeting each other and talk about facilitating trade across the Line of Control? How do we push that forward, given difficulties of political will?

MR. COHEN: Thank you.

Let's see. Yes, you, with the press?

SPEAKER: Thank you, sir. Goyal from India (inaudible)

Today.

This issue has been going on for the last 60 years, and there is a mistrust between both sides, but people-to-people contact must -- it is the only solution maybe for the future opening of the laws of relations, and also many people think that there is a corruption on both sides of the border because they have set up their shops, both sides, politicians in India and military in the Pakistan side.

Also, there's a thinking in Pakistan that only military in Pakistan can solve the Kashmir issue because most of the wars took place between India and Pakistan under similar rule in Pakistan, not under military because Kargil was not really war, but it was a kind of mistrust which was (inaudible) and premise was they trusted the Musharraf but he -- the Pakistan side. That was unfortunate.

But my question is that now there's a new government in Pakistan and the US will have a new administration and now there will be election in India next year. Who knows which government will be in power, either (inaudible) or the current government.

What do you think the future -- where because this issue comes on and off and now Musharraf is saying that Kashmir is a core

issue, then he change his mind, he said no, we will solve this issue and we are ready to solve. Now, again, Mr. Zardari said that Kashmir is a core issue. So, people don't care, politics on both side or military, they want to live in peace.

What can you deliver or this new three governments coming up, what can you deliver for the people on both sides because they really want peace only, not wars anymore?

MR. COHEN: Yes, keep your answer very brief then.

MR. CHARI: As far as this Colombo conference is concerned, yes, I did hear that there were certain difficulties that were created, and, in fact, as far as the conference itself was concerned, there was a person -- I don't know if you met with him -- called Suba Chandran who went from the IPCS and he was a person who did the survey report over here. I cannot really offer a solution to this problem except to suggest that we have run into that problem ourselves at IPCS, I may share with you, and one of the ways really is that if you want to have a conference between Indians and Pakistanis, don't meet either in New Delhi or in (inaudible) or in Islamabad, but meet in Colombo, meet in Katmandu, meet in Washington.

So, that's the only solution that I can offer.

As far as the three governments are concerned, the new governments are concerned, as I said, I do believe that there are certain systematic factors that are operating. The major systemic factor is really the fact that nuclear deterrence has been shown to be operative, especially after the Kargil conflict and the 2001-2002 border confrontation crisis. Both governments have realized that the nuclear weapons available to them, conflict, conventional conflict is not an option, so, you have to think of something else.

Now, the second option, which could be sort of (inaudible) is suffering in conflict, which means proxy wars or encouraging militancy and so on and so forth. Now, even that international atmosphere has turned against it because we find, the world finds that international terrorism is going to be probably its number one problem.

So, what I'm trying to say, there are certain systematic factors that are working in favor of peace.

Now, what will the new government do? At the moment, I mean, I'm looking at it as an Indian. I feel that the government in Islamabad is confused. They still have to come to terms with their own coalition making before they can think in terms of having any kind of relation with India.

So far as the Indian government is concerned, it is waiting. And they would like to proceed as I have suggested with trying to improve people-to-people relation because that is something which is low-key, low profile, you don't try and solve Siachen. That's not possible in this kind of a government, you know, as well. And, so, that is as far as the Indian government is concerned.

So far as Washington is concerned, I think Washington, also is not very sure what's going to happen, but basically I do believe that Washington is interested not in the continuance of any conflict, they're interested in peace.

And what the new governments of the world would be all about, I think I'd prefer to wait in what happens in New Delhi and what happens in Washington.

MR. COHEN: Let me elaborate on that for a minute.

A number of years ago, I coined the phrase "Pehle Aap Syndrome". That is, "You go first.", "No, you go first." The Indians will say to the Pakistanis you make the first concession and the Pakistanis say no, you make the first concession. And the Americans will say well, the two of you get together and we'll bless it.

In other words, everybody's in a mode of letting the other side move first. But I think looking at it from the 30,000 foot level, there's been some changes which make this a possibility more so than before, not an improbability, and that is a nuclear war isn't going to solve the Kashmir problem, nuclear war won't do it, conventional war won't do it, sending guerillas over, it won't work. Force doesn't work in Kashmir, both sides have agreed to that, yet there is a residual problem of a war by accident.

Secondly, the Chinese are going to get involved. There's no question about it. They're desperately concerned about the stability of South Asia. They don't want to see a war break out in their southern border, and they don't want to see Pakistan go down the drain and break apart. Their interest is in Pakistan, but they're learning to accommodate India.

And, thirdly, I think the US eventually will come to a point where it will do more than simply wish them well, it will actually become more active, but only in a way, in a policy we pursue. It will have to be limited by what will work in both New Delhi and in Islamabad.

And, finally, the Pakistan army is changing; it's turning direction because it realizes the existential threat to Pakistan does not

come from India and Kashmir, although that's a major issue, it comes from within their own borders to the west. I think all these factors make it possible, not likely, but possible that an agreement of some sort will be worked out.

We have time for a couple more questions, so, let me -- this gentleman over here, and then I'll get you, okay?

MR. MEYERS: Gerry Meyers (off mike).

We've not talked a lot about the militancy, so, maybe especially Dr. Rizvi tell us what the Pakistan army, the government is doing to shut down these groups on its side of the Line of Control and how that fits into the broader effort. They're all these groups operating along the border of Afghanistan and the US government is very concerned about that because there are so many groups operating in Pakistan and crossing over the border into Afghanistan. And it's a similar problem that the Indians have always faced in Kashmir, as well.

So, there's militants going in both directions up towards Kashmir and into Afghanistan, and how does the Pakistani army approach that and what strategy to have for it and what are their capabilities to shut this down and will they ever shut it down, and, if so, how long will it take for them to shut it down?

DR. RIZVI: All right. I think Pakistan's army perspective on its relations with India and Kashmir has really changed. They are not really sending people across a Line of Control as a (inaudible) policy. There may be few crossings even now because these groups operate sometime on their own, but I think overall situation has improved.

However, Pakistan will not be able to do all of what India wants, so, there will always be a kind of a gap in the perspective of the two countries, although this gap, to me, has narrowed over a period of time.

Then you talk about the militancy on the other side, that is the western border, tribal areas, and Afghanistan. That's an entirely different kind of issue, the approach towards Kashmir has really improved, and, in the case of tribal areas, even the army is finding it difficult how to address the issue and if they don't really have a clear-cut approach, obviously things cannot be brought under control in the tribal areas in the near future.

MR. COHEN: We have time for two more questions. I'd like the questions to be very brief and the answer to be briefer.

This gentleman and that gentleman over there. Okay.

DR. CHAK: My name is Dr. Farhan Chak, I'm at Georgetown University. I'm an ethnic Kashmiri, and what I find fascinating is the absence of the Kashmiri narrative.

Now, we've spoken of the Indian narrative and the Pakistani narrative, but there tends to be a tendency to speak for Kashmiris rather than speak to them. After all, they are the primary people that are suffering in this situation.

You mentioned something about the claustrophobia you felt in Srinagar and you attribute it their being caged in. Do you think that it had anything to do with the 800,000 troops there or do you think it had anything to do with the recent findings of the mass graves? These key issues, I believe, have been neglected.

MR. COHEN: What's your question?

DR. CHAK: Your comments on the mass graves in Kashmir? And I appreciate what you're trying to do, but what is the long-term objective rather than pacifying the Kashmiri aspiration or denying the legitimacy of independence? What is the aspiration of the Kashmiri government?

MR. COHEN: Let me say before I ask them to speak briefly that this project, in fact, did focus on Kashmir attitudes, and it was one of

the first projects ever to look at public opinion in both sides of Kashmir. So, to say that they've ignored the perspective of Kashmir is simply not true. So, I think -- but I'll let them speak for themselves.

Very briefly, do you want to respond?

MR. CHARI: I'd encourage you to see the report.

MR. COHEN: Yes, read the report.

MR. CHARI: And this is, perhaps, the first time that on behalf sides the Kashmiris' views on a common set of eight questions -- I mean, I don't have the time -- I would request you to kindly see the report and the fact that we found that the Kashmiris themselves are very confused people. That the kind of views we found in Jammu were very different from what they were in Srinagar and very different from what they were in Ladakh, and if anyone wants to try and synthesize those views, even if Srinagar wanted to do it, would find it very difficult.

But that apart, the fact of the matter is that there is a general desire to be able to reach out to their own kind across the border, which is there on both sides, and this is what we are trying to suggest is a solution. Independence, I assure you, and I've said that in my presentation, is not an option because I don't really think that either Pakistan or India is going

to agree to it, so, let's try and think of other modalities and let's not try to think of finding a problem for every solution.

MR. COHEN: Yes, last question?

SPEAKER: (Inaudible) I really appreciate this, one of the rare occasions where we have seen scholars hailing from Pakistan and India coming and giving joint opinion on very hot issue of Kashmir, which has kept Pakistan and India apart. Obviously, this is sort of a (inaudible) problem of people-to-people contact, and it's not going to resolve the (inaudible) contact.

My question is really in terms of very, very long-term. That, in my view, one of the reasons this problem is there because India and Pakistan somehow, in my view, at least, they're (inaudible) countries. Traditionally, all these provinces, Kashmir, Punjab, they have been largely autonomous, ruled by very far away central (inaudible) with very little, and literally there were seculars of an India-Pakistan joined.

So, from long-term point of view encouraging secularism and encouraging decentralization in both India and Pakistan, what do you feel will be the impact, not only the resolution, of the Kashmir issue itself, but as well as just general good relations between Pakistan and India and the neighborhood?

Thank you.

MR. COHEN: Before I ask them to respond and add any final remarks, that's a CBM, a Conference Building Measure. We could have a whole conference on your question, but, Chari?

MR. CHARI: Well, I think the idea of this notion of making borders soft or irrelevant is to create a kind of an environment that will ultimately facilitate the solution of problem of Kashmir and other political problems that exist not only between India and Pakistan but also within each country so far as the issue of secularism and decentralization are concerned, I think these are important kind of problems which the two countries are facing, but you can't really think of a solution that would apply to all of South Asia or India and Pakistan. These societies themselves have to debate and start a dialogue among themselves and then reformulate the political priorities for domestic reformulation.

DR. RIZVI: Well, let me sort of approach the question that you asked, a very interesting question which would require a very long answer, but to give a short answer, I agree with you, that making borders irrelevant is not a total solution to a problem. The total solution to the problem really is a (inaudible) between India and Pakistan and, if not, (inaudible) at least a normalization of relations.

That said, another thing that needs to be sort of taken into account is this entire question of autonomy. To what extent should Kashmir be made autonomous? And this is where the New Delhi finds it very hard not to crack because the way New Delhi looks at it is that if you give this quantum of autonomy to Jammu and Kashmir because it's a special state, then you have to think in terms of greater decentralization and empowerment of the other states of India, and as we move further and further into this coalition era and I look into my crystal ball, I feel that New Delhi will not be able to resist the need to make the states more powerful, give them more by way of legislative, financial, and administrative powers, and maybe think in terms of making certain changes in its own constitution. I'm looking about 15, 20 years down the line.

MR. COHEN: Thank you. The analogy might be Taiwan, in a sense, Taiwan is technically part of China, but, sooner or later, the two are going to be very similar and you might see a de facto arrangement, which, in Kashmir, might resemble that or some other similar process. First of all, let me thank our two presenters and two authors for putting up a little sign that says meet here. It's not a big sign, but at least there's a place for India, Pakistan, and others to meet if they're looking for it. And

thank you very much for your questions and your patience and time.

Thank you.

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