

## Is the India-Pakistan Conflict Really Intractable?

Written by Saeed Ahmed Rid

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SAEED AHMED RID, MAR 1 2016

There is a common perception that Kashmir is an intractable conflict between India and Pakistan because both countries have such diametrical positions that there is a little chance of any kind of resolution of this conflict. This creates a misperception that finding a resolution formula is the biggest hurdle in the normalization of relations. However the peace process and the bilateral India-Pakistan negotiations under the composite dialogue framework from 2004-07, has proved that finding an amicable solution of the Kashmir conflict is no more an impossible task or the most important hurdle in the normalization of relations.

In this article an attempt is made to see how far India and Pakistan had reached to an agreement in their bilateral negotiations during the peace process (2004-07). Were they able to agree upon a resolution of their major conflict, the Kashmir conflict? Moreover, what are the real hurdles, if not a resolution formula, in the peace process and what is a way forward from here onwards?

After the nuclearization of South Asia in May 1998, search for the resolution proposals for Kashmir conflict intensified and several new proposals surfaced. Various formulas and models were discussed in the academic and political circles based on individual and collective research as well as successful conflict resolution formulae that worked well in different parts of the world. There is a long list but the prominent among them are: Andorra model, Aland Island model, South Tyrol solution, Northern Ireland model, Trieste-like solution, Chenab formula, Maximum Autonomy, Sumantra Bose proposals (made here: *'Kashmir: Roots of Conflict, Paths to Peace'*), Kashmir Study Group (KSG) proposals and Win Win solution of Dr. Mubashir Hassan (former Pakistani politician and a peace activist).

Among those proposals, during India-Pakistan peace negotiations (2004-07), Andorra model and Sumantra Bose proposals received official nod. Pakistani President Musharraf picked "demilitarization" and "self-governance" from the Andorra model and Indian Prime Minister Manmohan Singh picked "open borders" and "self-rule" from the Sumantra Bose proposals in their initial proposals. The formulae suggested by Indian peace activist Kuldip Nayyar, Pakistani peace activist Dr. Mubashir Hassan and the Kashmir Study Group, were also very close to the idea of Andorra model. The crux of the Andorra model is to "de-militarize" the Kashmir region and give it "self-rule" with maximum autonomy to both Indian and Pakistani held Kashmir, and carve out an autonomous entity whose existence is guaranteed jointly by India and Pakistan – a kind of joint management.

When we compare Musharraf's initial proposals of "self-governance" and "demilitarization" with Manmohan Singh's "open borders" and "self-rule", we can observe a lot of common ground, but subtle differences were also visible. By "self-governance" and "self-rule" probably both leaders meant the same thing – giving greater autonomy to Kashmir on both sides of the Line of Control (LoC). Musharraf called for "demilitarization" for obvious reasons because Indian withdrawal of the army along LoC would have clearly improved Pakistan's defence on Eastern side, which is the troublesome North Western frontier with Afghanistan. On the other hand Manmohan Singh emphasized "soft border" approach because that would lead to normalization of relations with Pakistan without conceding anything to Pakistan on Kashmir.

Clarifying the "self-rule" principle Manmohan Singh in one of his press statement said that India would provide autonomy to the Indian held Jammu and Kashmir, and that Pakistan should provide the same on Pakistani controlled Azad Kashmir. Explaining his idea of "self-rule" further, he said India will hold authority over currency, defence,

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election process and judicial system and the Kashmir Government will manage the rest. On “open borders” or “soft borders” Indian PM called for making LoC a porous border so that there could be free flow of ideas and people between the two parts of Kashmir, which will according to him, one day make LoC irrelevant.

President Musharraf had shared some of the details of the peace agreement in his four points solution in an interview to the Indian TV channel *NDTV*, in December 2006. The four points were: i) “soft border” – Kashmir will have the same borders but people will be allowed to move freely back and forth in the region; ii) “self rule” – the region will have self-governance or autonomy, but not independence; iii) “staggered demilitarization” – troops will be withdrawn from the region in a staggered manner; and iv) “joint mechanism” – a joint supervision mechanism will be set up, with India, Pakistan and Kashmir representation. Musharraf had clearly stated in this interview that if India agrees with his four points solution Pakistan would give up on its long-standing demand for a plebiscite under the UN resolutions.

It is an open secret that by March 2007 the two sides were close to “working out the outline of a solution to the Kashmir issue and reached an understanding on disengagement in Siachen” in a secret back-channel dialogue. When Musharraf’s four points solution is compared with the “non-paper” of that secret back-channel breakthrough – reported by Steve Coll in *The New Yorker* on March 02, 2009 and explained in a greater detail by the then Foreign Minister of Pakistan, Khursheed Mahmud Kasuri in his recent book *Neither a Hawk nor a Dove* – one can hardly find any difference between the two. Steve Coll defines non-paper as “a text without names or signatures, which can serve as a deniable but detailed basis for a deal.” The solution provided in the non-paper includes following steps: Firstly, Kashmiris would be given special rights to move and trade freely across the LoC – “open borders”. Secondly, each of the former princely state’s districts would receive a measure of autonomy – “self rule”. Thirdly, each side would gradually withdraw its troops from the region – “staggered demilitarization”, and fourthly, a “joint mechanism” made up of local Kashmiri leaders, Indians and Pakistanis to oversee issues that affect people on the both sides of the LoC, such as water rights.

All this leaves very little doubt that the two governments led by Manmohan Singh and Musharraf were very close to resolve the Kashmir dispute by March-April 2007. However, the announcement was cancelled because of domestic political reasons in both states. In Pakistan, Musharraf was facing the judicial crisis and in India state assembly elections in Uttar Pradesh and in some other states did not provide an environment that is conducive to build public opinion in favour of such agreement. The then Foreign Minister of Pakistan, Khursheed Mahmood Kasuri, later told Steve Coll that they did not want to “waste” the non-paper by announcing the deal when Musharraf was not in a position to build a national consensus in Pakistan.

Nevertheless, reports were that ManMohan Singh government had even taken Bharatya Janata Party (BJP), the then major opposition party and the pro-India Kashmiri leadership in confidence over this peace agreement. On the other hand, General Musharraf had achieved the consent of all the major factions of separatist Kashmiri leadership except Sayed Ali Shah Geelani’s faction. This clearly shows that unlike the common perception finding an amicable solution of the Kashmir dispute, acceptable to all the stakeholders, is no more an impossible task.

So where is the real problem? Why are India and Pakistan not able to move ahead in resolving their disputes in last sixty-eight years? The problem lies at the very base of this idea that Kashmir is a territorial dispute between the two countries, which could be simply resolved on the negotiation table in bi-lateral negotiations. This approach ignores the fact that there is an entrenched resistance to change in their respective positions at societal level. It also ignores the fact that the political structure of the two parties is now embedded in a pattern of conflictual relationships, and without transforming the structure of the two societies and changing their pattern of relationship, conflict resolution would have a little chance of ensuring durable peace between the two countries and Kashmiris.

This implies that without involving the people of India, Pakistan and Kashmir in the peace process and without developing public opinion for such a deal, no agreement is possible on Kashmir. No President or Prime Minister or even a military ruler should agree on anything which is against the wishes of the majority of its people. Even if such a deal is successfully accomplished by the governments of India and Pakistan there is very little chance of durable peace if a majority feels betrayed. Furthermore, politically an unpopular peace agreement would be infeasible and dangerous even for the future relations of the two countries. Hence, the popular political leadership in both India and

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Pakistan and the people of India, Pakistan and Kashmir must be on the same page for any peace agreement, if that agreement is to succeed.

Mutual mistrust, the preponderance of war narrative over the peace narrative, hawkish media and the spoilers like hard-line Hindutva element in India and jihadi network in Pakistan, are the real hurdles in the peace process now. The developments of the last decade and half clearly show that whenever the Indian and the Pakistani governments have tried to move ahead on the peace process, either firing along the LoC gets intensified or a terrorist incident occurs in India and the whole peace process gets rolled back.

Such incidents spark the mutual mistrust, hawkish media and the war narrative and all of them simultaneously come into action and make it difficult for the two governments to act sensibly. Hence, the spoilers achieve exactly what they want to achieve – the derailment of the peace process. The same happened after Samjhota Express incident in 2006, Mumbai incident 2008 and LoC violations 2013. The spoilers have attempted the same by attacking the Pathankot Airbase in India on January 4, 2016 to derail the Bilateral Comprehensive Dialogue that was planned to get started from mid-January 2016.

However, after the Pathankot incident the response of the Indian and the Pakistani governments has been far more measured and they have shown far more restraint by avoiding to make any inflammatory statements. Moreover, it appears that the Pakistan government is cooperating sincerely with the Indian government in tracking those who are responsible for the attack with the understanding that terrorists are enemies of the peace-loving people of both India and Pakistan. Although the bilateral composite dialogue has been delayed but not cancelled because of the Pathankot, there are hopes that it will be rescheduled soon. But in the case of India-Pakistan dialogues it is said that you are never sure until it happens.

Therefore, there is a need for the governments in New Delhi and Islamabad to formulate a comprehensive joint mechanism to deal with the issue of terrorism, as spoilers are expected to keep exploiting the peace process in future if not handled properly. The message to Prime ministers Narendra Modi and Nawaz Sharif is clear – kill terrorism, not talks. Militants should not be allowed to sabotage the peace process. Moreover, the issue of terrorism must be delinked from the peace dialogue and sports exchanges, as well as people-to-people contacts, in order for a more durable peace process. Halting the dialogue process because of terrorist incidents is a victory for terrorism and the terrorists must not be allowed to win.

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