

The Kashmir Territorial Dispute: Political Fallout of Nuclear Testing in South Asia

Robert G. Wirsing

Introduction

India and Pakistan recently muscled their way into the world's exclusive club of overt nuclear weapon states. India led the way with a stunning series of underground nuclear tests – the first since its 1974 'peaceful nuclear explosion' – that took the world largely by surprise. On 11 May, Prime Minister Atal Bihari Vajpayee announced that India had successfully conducted three tests (of a fission, a low yield and a thermonuclear device) at its Pokharan range in Rajasthan. That announcement was followed by another on 13 May of an additional two tests – both claimed to be in the sub-kiloton range. Pakistan's response to India's action was not unexpected. Saying that Pakistan had "*to restore the strategic balance*" with India (The New York Times, 1998a), Pakistan's Prime Minister Navvaz Sharif announced on 28 May that Pakistan had conducted five nuclear tests of its own – like India's, said to be of varying magnitudes – at its test range near the Iranian border in Baluchistan. A sixth Pakistani test followed on 30 May.

The tests provoked a hail of condemnation. A number of countries, led by the United States, imposed economic sanctions on both India and Pakistan. Most of the world's great military and economic powers joined in issuing urgent appeals to the Indian and Pakistani governments to head off a nuclear arms race and to avoid further damage to the world's painstakingly erected nuclear nonproliferation regime. Meeting in Geneva on 4 June, the foreign ministers of the five permanent members of the United Nations Security Council (the United States, Britain, Russia, France, and China – the so-called P-5), all of them nuclear powers, issued a joint communiqué condemning the tests and calling on India and Pakistan to stop all further testing and to:

refrain from the weaponisation or deployment of nuclear weapons, from the testing or deployment of missiles capable of delivering nuclear weapons and from any

further production of fissile material for nuclear weapons.

The communiqué also called on them to adhere to the Comprehensive Nuclear Test Ban Treaty "*immediately and unconditionally*" (Associated Press, 1998a). Two days later, on 6 June, the fifteen members of the Security Council, meeting in New York, voted unanimously for a similar set of demands (Associated Press, 1998b); and on 12 June the world's leading industrialised nations – the so-called Group of Eight (the P-5 less China, joined by Germany, Japan, Canada, and Italy) – added yet another list of appeals to the diplomatic barrage (Reid, 1998).

Highlighted in these appeals, along with the nuclear threat, was the subcontinent's long-standing Kashmir territorial dispute and the increased urgency of finding a solution to it. On the eve of the P-5 meeting in Geneva, US Secretary of State Madeleine K. Albright reportedly acknowledged in a news conference that the Kashmir dispute was fundamental to calming tensions in the South Asian region (Anderson, 1998). The P-5 statement itself formally expressed global concerns in this regard. Its fifth paragraph commented as follows:

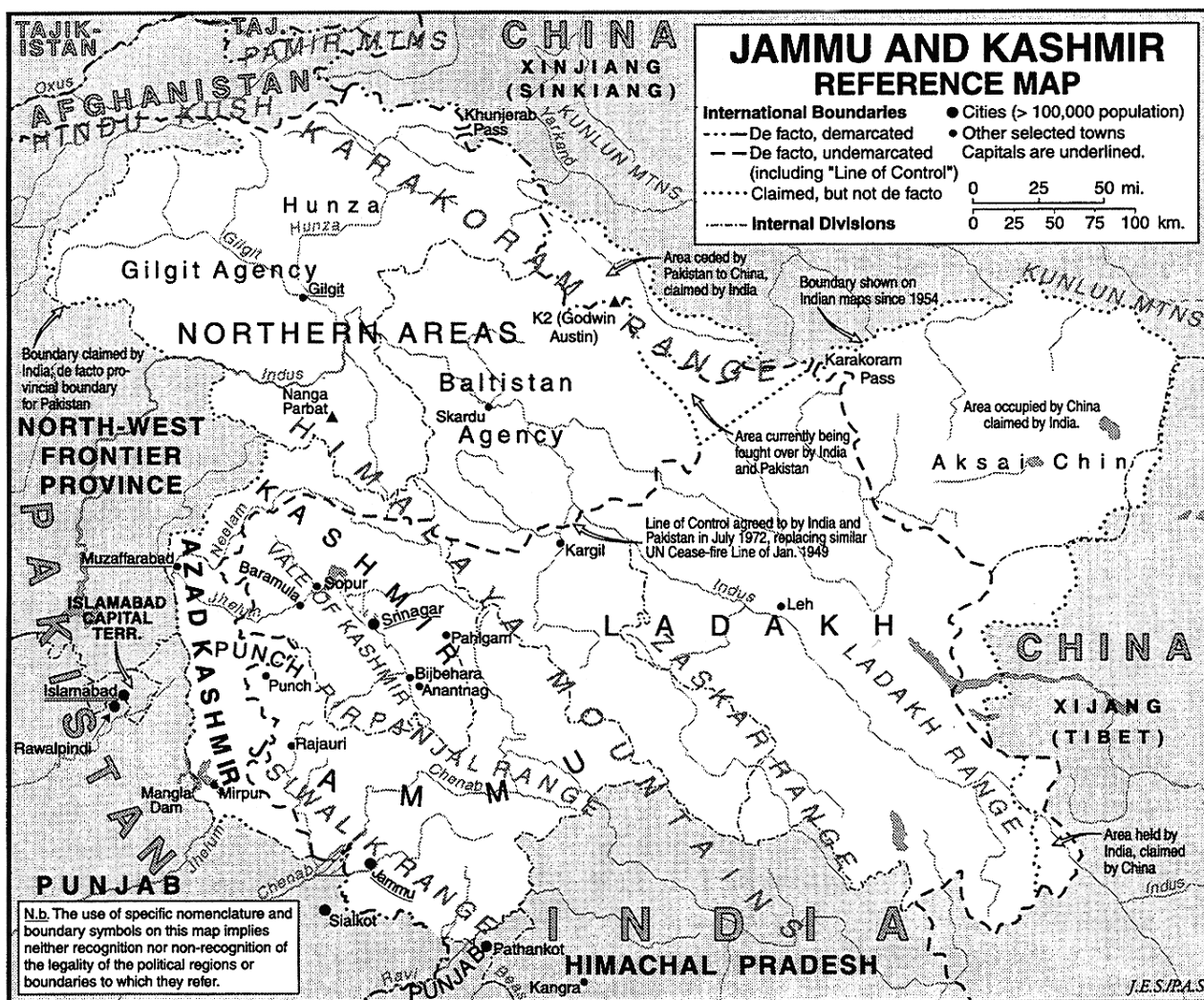
The ministers concluded that efforts to resolve disputes between India and Pakistan, must be pursued with determination. The ministers affirm their readiness to assist India and Pakistan in a manner acceptable to both sides, in promoting reconciliation and cooperation. The ministers pledged that they will actively encourage India and Pakistan to find mutually acceptable solutions, through direct dialogue, that address the root causes of the tension, including Kashmir, and to try to build confidence rather than seek confrontation. In that connection, the ministers urged both parties to avoid threatening military movements, cross-border violations or other provocative acts (Associated Press, 1998a).

In the weeks immediately following the tests, there were few signs that either India or Pakistan were prepared to take such counsel to heart. Their governments' reactions seemed in large part, in fact, to reaffirm the time-worn positions on Kashmir that had given the dispute its well-established reputation for intractability. Both sides indicated their general willingness to resume bilateral discussions that had been suspended in September last year following three rounds; but a promising announcement by India on 12 June that Pakistan had agreed to their resumption was repudiated within hours by Pakistan (Shukla, 1998, Max, 1998).

The Indian government made it crystal clear that its willingness to undertake what it called a "comprehensive, constructive and sustained" dialogue with Pakistan on all outstanding issues went hand-in-hand with its total rejection of any third party involvement in their resolution (The Hindustan Times, 1998a). The Pakistan government, in its turn, made it just as clear in its responses that it viewed the nuclear-inspired revival of global interest in Kashmir as a tailor-made opportunity not to renew

the search with India for common ground in regard to Kashmir but to press forward with an agenda for internationalising the dispute that was bound to meet with India's utter rejection. "We feel, after all, Kashmir is the core issue," the government's Information Minister Mushahid Hussain was reported to have observed in reacting to Western apprehensions over the region's nuclear crisis "[For the international community to ignore it] would be like staging Hamlet without the Prince of Denmark. It is Kashmir that has been the cause of war" (Kifner, 1998a).

Naturally, the recency of the nuclear tests crisis compels a certain amount of caution to be exercised in speculating about its likely longer-term political fallout – specifically, about whether it may or may not serve eventually to ignite a more earnest and sustained search for a solution to Kashmir. Enough is apparent already, however, to suggest fairly strongly that whatever momentum in that direction might have been gained as a consequence of the nuclear events in May is almost bound to prove insufficient by itself to move the subcontinent



beyond its present diplomatic stalemate over Kashmir. The obstacles to that are simply too great to be so easily overcome. At least four such obstacles readily present themselves.

Obstacles to Kashmir Settlement

Obstacle One

The first is that the Kashmir dispute is not likely to have been the dominant consideration, and it may not have been even a major consideration, among either side's motivations for testing. India's motives are, indeed, a bit fuzzy. In his letter to President Bill Clinton of 12 May explaining the rationale underlying India's initial series of tests, Prime Minister Vajpayee complained of India's "deteriorating security environment" and, without naming Pakistan, of India's having been "for the last ten years...the victim of unremitting terrorism and militancy sponsored by it in several parts of [the] country, specially Punjab and Jammu and Kashmir" (The New York Times, 1998b). Nevertheless, he apportioned the responsibility for this situation about evenly between China – whom he described in multiple terms as an overt nuclear weapon power on India's border, a party to an unresolved boundary conflict, the perpetrator of armed aggression against India in 1962, and Pakistan's covert nuclear weapons benefactor – and Pakistan.

The political opposition to the ruling Bharatiya Janata Party (BJP), alleging that India's relations with China had, in fact, been on the mend for some years, lay blame for the tests almost wholly at the feet of the BJP's domestic political ambitions. BJP leaders themselves, presumably perturbed at seeing the Kashmir danger flashing ominously in so many international forums, soon came around itself to alternative explanations. When party-spokesman Jaswant Singh visited the United States in the second week of June he reportedly claimed that the deterioration in India's security environment had come about "as much from global realignment as from complicity of the guardians of non-proliferation...", implying that India's decision to test was mainly an effort to neutralise the coercive diplomacy of the existing nuclear powers (Chakrapani, 1998; see also The Indian Express, 1998).

Pakistani leaders, in turn, while they clearly sought to exploit to the hilt the opportunity handed them to publicise Pakistan's troubles with India over Kashmir – ringing the nuclear alarm and calling for

international mediation at every opportunity (Associated Press, 1998c) – faced both their own domestic political compulsions and the obvious strategic imperative to maintain a semblance of nuclear parity with India.

While Kashmir certainly ranked somewhere among their calculations, tackling the thorny problem of its resolution was unlikely to be seen by either India or Pakistan, at least in private, as the most fruitful direction in which to move in order to contain the nuclear genie. Neither side appeared unduly upset, in fact, that the genie had escaped the bottle; and neither side, public rhetoric to the contrary notwithstanding, was likely to believe that it could be rebottled by negotiating an end to the conflict over Kashmir.

Obstacle Two

A second obstacle, already hinted at above, is that both the Indian and Pakistani governments presently operate under severe political restraints, and these serve as major deterrents to the taking of the bold and sustained diplomatic steps needed for moving beyond the existing stalemate over Kashmir.

On the Indian side, the restraints are fairly obvious. For one, the coalition government at the centre has been led for the past four months by a Hindu nationalist party, the BJP, whose reputation for hard-line positions in regard to both Pakistan and Kashmir is well-established. In forming the coalition government, the BJP leadership took the pragmatic step of consenting at the outset to a common legislative program that excluded some of the more controversial of its campaign pledges – including the promise to rescind the constitutional provision (Article 370) that enshrines Kashmir's special status within the Indian Union. But that politically expedient and, indeed, inescapable compromise of its principles is not likely to translate very quickly, if at all, into that party's ideological metamorphosis – not enough, in any case, to have much impact on the near-term evolution of India's Kashmir policy.

For another, even if the BJP were minded to be innovatively accommodative on Kashmir, the odds of its surviving in power long enough to do so seem fairly slender. The 19-party coalition it heads, India's fourth government in 22 months, consists to a considerable extent of ideologically disparate and extraordinarily fractious regional entities whose feeble commitment to the coalition seems to assure its eventual collapse.

Lastly one must doubt whether *any* government in India, in present circumstances, could mobilise the necessary public support to sustain a major change in the country's Kashmir policy. This is not to say that there are not pockets of thought in India that question the wisdom and practicality of this policy. In this connection, a recent editorial in a venerable English-language daily published in Calcutta is worth quoting at some length:

India, the bigger and arguably the more mature of the two [countries], must take the lead [in heading off an arms race]. And no lead is better than a grand policy on Kashmir...India should respond to Pakistan's tests and the possibility of escalating tensions by making a unilateral posture on Kashmir. It can announce that the government will exhume the nearly five decades old United Nations proposal to hold a referendum on the question of the valley's (Jammu & Kashmir) territorial loyalty.

This will seem preposterous to the BJP, indeed to many Indians. But an astute political party – BJP has shown it can be one – does not remain a prisoner of conventional wisdom. More, a referendum on and in Kashmir, internationally supervised, will again put India in a different league from one defined by sub-continental squabbles – a status the BJP thinks the country deserves. The 'worst' possibility is that Kashmir may not choose to remain with India. Is that too bad a prospect compared to the price India pays in blood, money, and a general marring of reputation when the troops 'occasionally' misbehave? A Kashmir referendum will also blunt global condemnation of the sub-continent as a mad hatter area full of nuke-wielding hot-heads. As well as forcing Pakistan to drop its belligerence, both verbal and clandestine. These are benefits that can be grabbed only by a government with vision and courage... (The Statesman, 1998).

Unfortunately there does not appear to exist in India at the present time a significant public constituency supportive of the unconventional approach outlined in the editorial. On the contrary, as a very senior Indian foreign affairs bureaucrat bluntly put it at a meeting in New Delhi attended by the author last spring, there simply isn't much public interest in Kashmir at all in India "*Indians,*" he observed, "*were not sufficiently interested in its solution.*"

India's agenda was extremely crowded he explained; Kashmir held fairly low priority on it. There was, he said, a "*lack of a peace constituency in India, especially on the Pakistan front.*" Youthful Indians would demonstrate about a lot of things, he said, but they won't go into the streets on the Kashmir issue. There was simply no political reward in India for those who would attempt to mobilise a peace constituency. Appreciation for former Prime Minister Inder Kumar Gujral's much publicised peace initiative, he noted by way of example, "*did not extend beyond the [narrow intellectual confines of] the India International Centre.*" Gujral, together with his initiative, vanished from the headlines once he stepped down from the prime ministership (seminar discussion, New Delhi, April 1998).

As for Pakistan, the present Pakistan Muslim League (PML) government of Prime Minister Nawaz Sharif has an obvious political advantage over the BJP in that it commands nearly two-thirds of the seats in the National Assembly. Its Kashmir policy, in theory at least, thus is free of the formidable encumbrance of a hung parliament. It is common knowledge in Pakistan, however, that on certain key public matters – Kashmir policy definitely being one of them – the civilian government 'shares' decision-making with the Army generals, whose views on Kashmir are virtually bound to be on the conservative side. Equally common, moreover, is the knowledge that the PML's super majority, which rests on a foundation of programmatic loyalty no more solid than that of the BJP coalition, can vanish almost overnight should the PML leadership stray too far from established policy.

Obstacle Three

A third obstacle is that the situation currently facing India in Kashmir itself is, at least in strictly military terms, far from urgent. Since the middle of the present decade, Indian security forces, augmented by renegade counter-militant guerrillas recruited from the ranks of disaffected Kashmiris, have had remarkable success, in fact, in containing the insurgency that broke out in the Valley of Kashmir in early 1989. Recent visitors to Kashmir are generally agreed that conditions there today bear little resemblance to those which characterised the situation in the first few years of the insurgency. Then, the insurgents' writ extended far and wide, while the government side found itself unpleasantly under siege in heavily defended 'safe areas' (see Wirsing, 1994: 113-42). Now, the insurgents have dwindled in number and are clearly on the defensive.

The observations about Kashmir made very recently by a Western correspondent capture the change. On the Indian side, he said,

...few seem worried about another war, much less one that would go nuclear...[T]he situation in the Indian-ruled part of the territory after a decade of insurgency by Pakistan-backed rebels, is as relaxed as it has been in years.

All around the Kashmir Valley, the heartland of the insurgency, there are signs that Kashmir is looking much more like the fabled land it was for centuries...

This year, Indian tourists have returned for the first time in years,...

The impression was of a territory less troubled about its prospects than the outside world was...

Instead of 5,000 to 7,500 Muslim insurgents... Indian commanders say there may be fewer than half as many now, and probably fewer than 1,000 'active gun-toting militants,...

...Indian intelligence reports showed that insurgents crossing into Indian-held territory from the Pakistan side had slowed to a trickle, and that most of those were being killed by Indian troops (Burns, 1998).

The Line of Control that divides the Indian- from the Pakistan-controlled sectors of Kashmir is still the site of constant skirmishing between Indian and Pakistani forces. It has appropriately been dubbed by them the "*Line of Confrontation*" (Kifner, 1998b). Obviously, the Valley of Kashmir has a long and arduous way to go before it can legitimately reclaim its historic role as a veritable 'paradise on earth'. Nevertheless, coercive military pressure on the Indian government to come to terms with either Pakistan or the Kashmiri militants is less now than at any other time in this decade.

Obstacle Four

A fourth and final obstacle to overcoming the existing diplomatic stalemate between India and Pakistan is the absence of any durable institutional arrangement in the region in which to lodge sustained bilateral discussions over Kashmir. Resort to intermittent exchanges between their foreign ministers or foreign secretaries has proven over and

over again to be inadequate to the task. Undertaken in the glare of publicity and, as often as not, strictly for the domestic and/or international political returns they promise to bring, such exchanges are readily sacrificed on the altar of political expediency whenever a downturn occurs in India-Pakistan relations. Michael Krepon's comment captures the essence of the problem. "*Bureaucratic culture in both countries*", he said,

continues to place a premium on parrying new initiatives, not championing them. The impulse remains strong to address matters on a rhetorical plane, rather than to deal constructively on matters of substance. Opposition figures look for openings not to improve bilateral relations, but to exploit such initiatives for political advantage. Nor does it help that, when high-level meetings take place, firing across the Line of Control seems to increase (Krepon, 1997).

The Indian and Pakistani positions on Kashmir, at least their formal positions, are highly antagonistic. Distrust, difficult to overcome at any time due both to the stark power imbalance inherent in the size differential between India and Pakistan as well as to the bitter circumstances attending their birth as independent countries, has been dramatically increased by nearly a decade of violent struggle stemming from the Kashmiri insurgency. Absent some fundamental improvement in the manner in which bilateral diplomacy is institutionally managed in the region, optimism in regard to a potential nuclear test-triggered breakthrough seems misplaced.

International Involvement

The international highlighting of the Kashmir dispute, noted earlier, that went along with the world's alarmed reaction to the nuclear tests of last May contained no assurances either that international interest in Kashmir would be sustained or that it would eventuate in substantive international undertakings in regard to Kashmir. Pakistan's repeated appeals for international mediation of the Kashmir dispute fell largely on deaf ears (Associated Press, 1998c). The Clinton administration pressed for the resumption of bilateral talks on Kashmir; but it carefully coupled its appeals in this regard with emphatic disavowals of any desire to mediate the dispute itself (Krishnaswami, 1998). Indian editorial writers and columnists, responding to the P-5 statement in Geneva, observed with understandable glee that the final version was much watered-down

on the subject of Kashmir and that it didn't deliver what Pakistan sought. The following *The Times of India* editorial comment was typical:

Much to the surprise of the doomsayers in India and abroad, the joint statement issued in Geneva by the five permanent members of the Security Council on the nuclear tests conducted by India and Pakistan did not invoke the threat of intervention in the Kashmir dispute. The omission, however, was only to be expected. With Tibet and Chechenya on their hands, China and Russia respectively cannot afford to open the door to Security Council intervention in such disputes. The UN Secretary General had proposed the removal of Kashmir from the forum's agenda as the issue had not come up for discussion in the past three decades. It is only to placate Pakistan that the UN dhobi [laundry] list still formally retains Kashmir; the rest of the world is thoroughly bored with it. Further, to reopen Kashmir would inevitably unleash mischievous chimeras like the 'two nation theory', which is an earlier version of the 'clash of civilisations' thesis; that would also promote ethno-nationalism, the bane of the current world. So the P-5 have wisely called for the resumption of direct dialogue between India and Pakistan (The Times of India, 1998; see also Subramaniam, 1998, and The Hindustan Times, 1998b).

The Indians could take additional comfort from the fact that only a handful of nations joined in the imposition of economic sanctions against India and Pakistan – and even more from the fact that only weeks after the nuclear tests, these same nations displayed unmistakable signs of retreat. When the Clinton administration put its sanctions into effect on 18 June, it was clear that they had been crafted to soften their impact (Lippman, 1998: A29); and when the World Bank approved major loans for India scarcely six weeks after the tests, it did so with the blessings of the Clinton administration (Sanger, 1998). There were clearly grounds for scepticism, in other words, in regard to the likelihood that the pressure of sanctions by itself could prove sufficient to push India and Pakistan into serious discussions over Kashmir.

The dilemma implicit in all this was that while the prospects for serious international involvement in regard to Kashmir seemed close to nil, the prospects

for progress on this front between India and Pakistan ended equally bleak without it. Practically every major successful bilateral agreement between India and Pakistan during the past fifty years – the 1949 Karachi Agreement ending the 1st Indo-Pakistan war, the 1960 Indus Waters Treaty, the 1966 Tashkent Agreement, the 1968 Sind-Kutch Boundary Settlement, to mention four such instances – entailed, in one form or another, major international involvement. There is no reason to believe that an agreement today over Kashmir can be achieved without it.

It is true, of course, that the world's leading powers can do little to resolve the Kashmir dispute without the active cooperation of India and Pakistan, and that the governments of these two states must, therefore, commit themselves to serious negotiations. But they are not likely to do that unassisted. Identifying a mechanism to provide such assistance that does not at the same time appear to risk involving the international community in unwanted or unacceptable forms of international intervention is an obvious immediate challenge. It may be an impossible one. In the face of the now more urgent than ever requirement for peaceful settlement of the Kashmir dispute, one hopes that it is not.

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Dr Robert G. Wirsing is a specialist on the politics and international relations of South Asia based at the Department of Government and International Studies at the University of South Carolina. He has made over 25 research visits to the region and is author of IBRU's latest Boundary and Territory Briefing entitled, *War or Peace on the Line of Control?: The India-Pakistan Dispute over Kashmir Turns Fifty*.