

---

# The Evolution of US Policy Towards Kashmir

**Rajeswari Pillai Rajagopalan**

The American policy towards the Kashmir dispute has been inconsistent: from active efforts to resolve the dispute in the 1950s and 1960s, to benign neglect in the 1970s, to a more proactive approach during the early Clinton period, to a more nuanced but hands-off approach subsequently. The US policy on the Kashmir dispute has changed because the US approach in Kashmir has changed, from attempting to solve the complicated dispute, a 'broad' approach, to ensuring that the conflict over Kashmir does not lead to instability and war in the region, a more narrow approach. How the Obama Administration wishes to take the issue further might be important to analyse what kind of a security-stability index might appear in the region.

## **Background**

In 1947, at the time of Indian independence, the princely state of Kashmir was headed by a Hindu King, Maharaja Hari Singh, who ruled over a predominantly Muslim population. The Pakistan military attack on the western border of Jammu and Kashmir at the time, when the issue of accession of Kashmir to India or Pakistan came up, prompted the Maharaja to seek the Indian government's support. Support was granted by Prime Minister Jawaharlal Nehru but on the condition of Kashmir's accession to India. Following the agreement, India deployed its forces to repel the invaders, leading to the first Indo-Pak War over Kashmir in 1947. When a ceasefire was eventually declared in early 1949, India controlled two-thirds of the territory, a position which has remained more or less constant over the last half-century, despite a war over Kashmir in 1965. After remaining dormant through the 1970s and 1980s,

---

Dr **Rajeswari Pillai Rajagopalan** is Senior Fellow, Institute of Security Studies, Observer Research Foundation, New Delhi.

an insurgency, actively supported by Pakistan, began in the late 1980s, and continues to this day.

## **US Policy on the Dispute**

The American position on the dispute has shifted several times in the last half-century. There appear to have been at least two broad approaches in recent American policy towards the Kashmir dispute, what may be referred to as the 'narrow' and the 'broad' approaches. Both were motivated by concern that the Kashmir dispute might lead to a new crisis and war, and possibly, nuclear escalation. The 'narrow' approach focussed on the core American concern — the possibility of a crisis or war in the subcontinent, which the US tried very hard, and successfully, to prevent. The 'broad' approach sought to solve the Kashmir dispute itself, as a way of preventing the dispute from having any potential for escalation. These changes can be seen in the way Washington's policy evolved throughout the 1990s.

When the Kashmir insurgency began in 1989, the (elder) Bush Administration's primary concern was to avoid a clash between the two countries. Several Administration officials made clear the US position that it no longer supported the move for a plebiscite in Kashmir and the stated position was that the United States thought that the best framework for a resolution of the Kashmir dispute was through the 1972 Shimla Agreement, in which India and Pakistan agreed to resolve their dispute peacefully and through bilateral channels. The US policy, in fact, was in complete endorsement of the Indian position on the dispute that the Kashmir dispute had to be resolved through bilateral negotiations. The primary Bush effort as regards the Kashmir dispute was directed at dampening down the 1990 crisis, which US intelligence believed had the potential for escalation.

US policy changed dramatically when the Clinton Administration took over in 1993. It became much more proactive, attempting to move towards the resolution of the dispute itself. However, after several missteps, and avoidable controversies, the US position became much more conservative, eventually returning to a posture that appeared similar to the earlier Bush approach of attempting to prevent a war or escalation rather than attempting to solve the dispute itself. This was best demonstrated by the US approach during the Kargil War in the summer of 1999.

The second Bush Administration had taken a more conservative approach to the Kashmir dispute, taking the position that the dispute needed to be solved through a bilateral framework between India and Pakistan. However,

after the 9/11 terror attacks in the US, and with the war on terror emerging as a major foreign and security policy preoccupation, there was a general sense that this position would change as Pakistan, which has been a frontline state along with the US, could put pressure on the US to take on a more active role in the resolution of the dispute. Much to the disappointment of Pakistan, the US maintained its balanced approach in not dragging Kashmir as part of the Pakistan-Afghanistan problem. This is not to suggest that the US was not concerned about the problem. The US, particularly the Bush Administration, obviously has had serious concerns that the Indo-Pak stand-off might escalate into full-fledged war in the subcontinent. Operation Parakram and the build-up of forces on both sides after the terrorist attack on the Indian Parliament in December 2001, saw a renewed US interest in Kashmir. The approach, however, was similar to Bush Senior's approach of attempting to prevent a war or escalation rather than attempting to solve the dispute itself. In essence, both the exigencies of the situation (satisfying Musharraf's desire for a more active American role), and a perception that Kashmir requires a fundamental solution could have led to a return to the 'broad' approach to the problem of the Kashmir dispute. But the Bush Administration's position was much more nuanced. And, given Bush's overall approach towards India and Pakistan's double standard on the war on terror, there was no return to the broad approach in dealing with Kashmir.

Bush's approach towards Kashmir was also conditioned by the 9/11 terror attacks in the US. There was a decisive shift after the terror attacks, which was reflected essentially in the definitional aspects of terrorism. The US has had to accept a broad definition on terrorism to include all forms of terrorism, and everywhere, and not just acts committed on US soil, and against US citizens or institutions. Again, although it appeared willing to adopt a broader connotation to "terrorism," it was still not clear whether the US was using the same yardstick to terrorism in the US and in other parts of the world, including India. For example, the US was reluctant to characterise as terrorism various acts of political violence that terrorist groups have indulged in the various parts of India. Though the US did characterise the December 13 attack on the Indian Parliament as a terrorist act, they have been unwilling to accept the considerable quantity of evidence that suggests that Pakistan had, at the least, an indirect hand in the attack. Even the concern that the US had shown appeared more motivated by the desire to soothe Indian anger rather than the result of genuine concern. This suggests two different yardsticks to define and tackle terrorism. When terror strikes America,

war and other military action is the immediate response, but when India faces an attack on its Parliament or a 26/11, restraint is sought.

Another aspect of change in the US approach was about how the US views liberation movements and freedom struggles all over the world. For example, violence by terrorists in Kashmir was not considered terrorism until 9/11. Today, some of the active terrorist groups in Kashmir — Jaish-e-Mohammad, Lashkar-e-Tayyeba (the two groups responsible for the December 13 attack on the Indian Parliament) — are designated Foreign Terrorist Organisations (FTOs) under US law. It is well known that these two groups have been nurtured by the Pakistan government and its intelligence arm, the Inter-Services Intelligence (ISI). The Indian demand to Pakistan to take action against these two groups was not heeded by the Pakistan government until President Bush categorised these two groups as terrorist organisations. Hence, the US action on different terrorist groups and its overall approach to tackling terrorism has tremendous impact on several individual countries' approach towards terrorism as well as the international counter-terrorism measures. India, in fact, has had its difficulties on the manner in which terrorism has been defined by the US. What constitutes terrorism for India has not been what the US characterised as terrorism.

It is, however, now appropriate to analyse how an Obama Administration would handle the Kashmir issue in his yearning to solve the Afghanistan problem and the war on terror. A few fundamental issues are to be borne in mind before analysing what Obama's prescription for Kashmir would be.

The Democrats have generally tended to be more interventionist than the Republicans, as they are of the view that the US should play an active role in regional conflicts to both resolve these conflicts as well as to protect human rights during these conflicts. The Clinton Administration had intervened in a number of such conflicts including in Haiti, Somalia, Bosnia, Yugoslavia, Congo, Liberia, Albania, Iraq, Afghanistan and Yemen. Obama appears set to continue with that trend. Susan Rice, a key Obama adviser and US ambassador to the UN, stated during her Senate confirmation hearing that the Obama Administration will continue with the traditional Democratic Party policy of promoting democracy and human rights around the world.

The pro-interventionist strategy of the Democrats has caused problems in the Indo-US relations in the past. If Obama is to continue with such a strategy, this would involve the Obama Administration wanting to mediate and seek a solution to the Kashmir problem. Obama's recent comments during interviews to Time magazine in October and December 2008 and the reported consideration

(earlier) of former President Bill Clinton as a special envoy on Kashmir had created a major stir in the Indian political and policy circles. Obama in his interview said, “We should probably try to facilitate a better understanding between Pakistan and India and try to resolve the Kashmir crisis so that they (Pakistan) can stay focused not on India, but on the situation with those militants.” Some analysts in India have tended to believe that a Kashmir-specific proactive policy need not necessarily be bad, given Obama’s pro-India statements. However, it should be noted that his pro-India statements in the recent months had more to do with getting support from the Indian-American community.

The issue, however, is that Obama considers finding a solution to the Kashmir issue almost a prerequisite for getting Pakistan’s support for the war on terror in Afghanistan. Linking Afghanistan to the resolution of the Kashmir dispute, as Obama did in his interview to Time magazine when he said that “working with Pakistan and India to try to resolve their Kashmir conflict would be a critical task” for his Administration’s efforts to try to counter growing instability in Afghanistan and Pakistan, will be problematic. The tendency to link up Afghanistan’s security with terrorism in Kashmir is a dangerous trend and India must keep a close watch. The US has to focus on the problem, which is Pakistan, rather than get diverted by Pakistan’s diversions into Kashmir. As the Chairman of the US Joint Chiefs of Staff, Adm. Mike Mullen, recently noted, it is the Afghan-Pakistan border region that is the “site of planning for the next attack” on the United States; hence, the US should not lose sight of their target — Pakistan.

For the time being, the Obama Administration seems sensitive enough to India’s concerns in this regard. The recent news of the possible appointment of Richard Holbrooke as the special envoy on South Asia had created concern in India. Any individual would have been bad, but as one former US official noted in an article in Foreign Policy, “The Indians do not like Holbrooke because he has been very good on Pakistan ... and has a very good feel for the place.” However, thanks to Indian lobbying in Washington, India has been able to ensure that the official “Terms of Reference” of Holbrooke are limited: he has been appointed as “special representative for Afghanistan and Afghanistan.” This remains, as the Foreign Policy reported, “a sharp departure from Obama’s own previously stated approach of engaging India, as well as Pakistan and Afghanistan, in a regional dialogue.” South Asian analysts in Washington noted that it was prudent of the Obama Administration not to include India in Holbrooke’s official mandate, or else the special envoy’s mission could have been a “non-starter.” It might be true that the Obama transition team did not meet with any foreign representatives

on the issue, but a meeting of the Aspen group in Washington was attended by some of the Obama team members where it was categorically stated that “India might preemptively make Richard Holbrooke persona non grata if his South Asia envoy mandate officially included India or Kashmir.” Among the Obama team members who attended the meeting were former Navy Secretary Richard Danzig, Kurt Campbell, the director of the Aspen Strategy Group who was later named as assistant secretary of state for East Asian and Pacific affairs, and former Pentagon official and Harvard University professor, Ashton Carter.

In conclusion, one might say that it will be prudent of the Obama Administration not to meddle in the Kashmir imbroglio, not because India cannot withstand those pressures but because it might avoid an irritant in the otherwise prospering Indo-US bilateral relations. At some level, it can be concluded that India is comfortable with the ‘narrow’ approach towards Kashmir that the US has adopted from time to time, as was done during Kargil. It may not be correct to say that India does not seek US involvement in India-Pakistan issues. India does seek selective US intervention, as is being witnessed currently too. After the Mumbai terror attacks, India has been unable to bring Pakistan to cooperate and so sought US intervention to put pressure on Pakistan. However, such intervention can only douse the occasional fire, not settle the matter once and for all.