

Strategic Insight

Kick-Starting India-Pakistan Negotiations: Constraints and Opportunities

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The U.S. has been pressing both India and Pakistan to resume their head-of-government level negotiations for several months. While Pakistan has expressed interest in another summit, India has been steadfastly holding the position that negotiations will not begin until Pakistan completely stops the proxy war by way of sending armed infiltrators to conduct insurgency in Indian Kashmir. The failure of two past summits—Lahore in 1999 and Agra in 2000—to obtain meaningful and long-lasting accords have also made India reluctant to initiate another round of talks without prospects of a concrete agreement in sight.

In many respects, Lahore was not a failure as it did produce an agreement between Indian Prime Minister A.B. Vajpayee and his then Pakistani counterpart, Nawaz Sharif. The agreement failed because the Pakistani military, under General Pervez Musharraf, undermined the possibility of its success by launching the Kargil War. The Agra summit failed not because of sentimental reasons or lack of warmth but because the timing was not ripe for a substantive agreement. The parties were holding totally incompatible goals, and they were meeting largely for domestic political reasons and to some extent, because of pressure from the United States.

Why do the near- and medium-term prospects of negotiating an end to this enduring rivalry increasingly look bleak? The answer lies in the structure of the conflict, the power asymmetry between the two parties, and the fundamental incompatibility in the goals they seek.

The Structure of the Conflict

The India-Pakistan conflict simultaneously is over territory, national identity and power position in the region. Kashmir from Pakistan's vantage point is the unfinished problem of the partition of the sub-continent on religious basis. To Pakistanis, the Muslim majority province of Kashmir, if given full freedom to choose, would join Pakistan. However, this irredentist claim of Pakistan is only partially sustainable given that the preference of most Kashmiri nationalist groups remains independence or greater autonomy from both countries.

From India's position, Kashmir is very much part of the Indian nation's secular identity. The nearly 125 million-strong Muslim population in India attests to the Indian belief that the partition on the basis of religion was an unfortunate historical blunder and Kashmir's ceding to Pakistan would result in a second partition, negating India's secular credentials. There are hardly any proponents in India from the left or the right who think Kashmir should go to Pakistan. Extreme right-wingers in the BJP would want to forcefully integrate Kashmir, as giving it to Pakistan or allowing independence will be tantamount to placating the minority Muslims, while more moderate political groups would like to see a peaceful integration of Kashmir within the Indian union.

The Power Asymmetry

India is nearly five times larger than Pakistan in population and territorial size. However, Pakistan has been able to borrow power to balance India through alignment with outside powers and internal military build up. As the power differential between the two countries grows—with India's economic and military capabilities showing steady growth over Pakistan's—Islamabad has been increasingly resorting to asymmetric strategies such as terrorism and proxy war to continue its struggle with India. The nuclear acquisition by the two neighbors has allowed the continuation of the conflict in many ways. Pakistan, armed with nuclear weapons, believes that it can continue the proxy war as India will not be able to escalate the conflict fearing nuclear retaliation.

Incompatibility in Goals

A fundamental reason why summit level negotiations under the present circumstances are unlikely to succeed is the totally incompatible goals the parties hold. India does not want to negotiate an agreement that will give Kashmir to Pakistan. Some in India have talked about the prospects of legitimizing the Line of Control (LOC) as a border, while giving the Kashmiris increased autonomy under a confederal set up. But the practicality of this is questioned given that the Kashmir movements may not agree to anything of this nature in the near-term.

Inflexibility in the negotiating positions is partly caused by the domestic political structures of the two countries. India's democratic political system and Pakistan's authoritarian system have contributed to the continuation of the conflict. Democracies rarely make concessions to non-democracies because territorial concessions to an adversary would likely be the death knell of the political party that makes the concessions. The opposition could use them to rally public opinion in order to win the next elections. Similarly, the Pakistani domestic political structure has been very much conducive to the continuation of the conflict. The dominant military and the Punjabi elite who view Kashmir as a means to legitimize their power are unlikely to give up the conflict anytime soon.

The Post-September 11 Equation

Although the political dynamics in the region changed with the September 11 context, both parties are effectively pinning hopes on the United States to vindicate their position. U.S. support for General Musharraf has strengthened his position somewhat as the United States cannot abandon him or pressure him intensely. India on the other hand, believes that the United States should exert more pressure on Pakistan to abandon the proxy war. India claims that its struggle with Pakistan is part of the global fight against terrorism and that it cannot make territorial concessions to a state that promotes terrorism. However, the fact of the matter is that the United States does not hold sufficient bargaining power or mediating power at this point to compel either party to come to the negotiating table and conclude a viable agreement. The recent elections in Pakistan in which the Islamic parties showed increased popular support have further complicated matters for General Musharraf, while Prime Minister Vajpayee is pressured by the right wing of the BJP not to make any concessions.

Bargaining Positions

Incompatible bargaining positions are part of the problem. While India has loosened its insistence that Kashmir not be on the table except as one part of the larger set key issues dividing the two parties, Pakistan insists that Kashmir is the root source of the conflict and that it must be resolved before other issues can be taken up. Pakistan thus seems to be pursuing a maximalist, or all or nothing negotiating position. General Musharraf has difficulty changing this position, as he wants to show to different domestic constituencies that he is tough on Kashmir. He gives the impression that Kashmir is India's Vietnam, that India has no effective capacity to quell a guerilla struggle and that he will win if he talks and acts tough. He went to Agra with a maximalist bargaining position and made no attempts to deviate from that. If no agreement was reached on his terms, he would gain an unparalleled opportunity to raise the profile of Kashmir issue internationally and improve his domestic position. His use of the media to sell his position further alienated the Indian establishment.

Successful diplomacy, especially involving enduring rivals, rarely works in this fashion. In fact, whenever one side shows too much brinkmanship, peace negotiations tend to breakdown. Prime Minister Vajpayee is unlikely to hold another summit with General Musharraf that would make him look weak in front of a tough talking general who is articulate and aggressive. Indians realize that any major change in the territorial status quo will result in Pakistan's victory, as India is the party in possession of the largest chunk of Kashmir. However, in this asymmetric conflict neither party holds enough power to force a settlement on the other.

Where Do We Go From Here?

Successful diplomatic negotiations between two bitter enemies and enduring rivals of unequal power capabilities cannot be conducted without a proper catalyst. This is a conflict over territory, identity, power, status etc. in which the weaker party has more to gain than the stronger one. The stalemate has not hurt either side deeply enough to induce substantive concessions. The weaker party thinks that it has gained the upper hand due to its coercive guerilla strategy and that nuclear weapons have provided it with a 'great equalizer' with the stronger adversary. Agra shows that timing and ripeness are crucial for successful negotiations and that parties should not hold such diametrically opposing objectives while negotiating if they ever want to achieve peace. As in this instance, another summit with much fanfare and weak bargaining compatibility is likely to lead to disappointing outcomes.

The more feasible option would be to reignite top official or foreign minister level negotiations on matters such as confidence building measures, especially those relating to nuclear risk reduction, and greater regional cooperation, especially in the economic arena. The proposed SAARC summit in January 2003 may provide such an opportunity. Meanwhile the United States should attempt to hold General Musharraf to his promise not to allow cross-border infiltration, while nudging India to demobilize further from the LOC and offer greater autonomy to Kashmir while reducing its coercive policies in the state. Any new terrorist attacks similar to the December 13 strike on the Indian parliament could bring back high tensions to the region. As far as a long-term settlement is concerned, more creative thinking is necessary to find a solution that would satisfy the needs of both parties. Proper 'timing' and 'ripeness' are crucial for diplomacy to succeed in this regard.

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