



## A Kashmir Peace Deal Now? Ripeness, Readiness, and US Role



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*Editor's Note:* The views expressed in this report are those of the author and do not reflect the official policy or position of the Modern War Institute, Department of the Army, DOD, or any other department or agency of the US Government.



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Kashmir has been at the heart of one of the most intractable conflicts in modern history. Although progress may appear unlikely at first glance, there are three important reasons why Washington may make Kashmir peace talks a foreign policy goal over the next four years: reduction in tensions between two nuclear powers; effective withdrawal from Afghanistan; and support for democratic freedoms and human rights. With a new US administration in the White House and China's recent moves,<sup>1</sup> now is the time for the United States to showcase its principles, priorities, and power in the Indo-Pacific. Facilitating a Kashmir peace deal would do precisely that.

Kashmir is a major flash point between two nuclear-armed rivals, India and Pakistan.<sup>2</sup> The two countries were on the brink of nuclear war after a suicide attack in Kashmir in 2019. As the ensuing crisis began “spiraling out of control,” Indian prime minister Narendra Modi reportedly considered a missile strike against Pakistan.<sup>3</sup> Experts are predicting “a resurgence of violent and quasi-violent resistance” in response to India's post-2019 restrictions in the region,<sup>4</sup> and this could generate another sudden—and potentially more dangerous—crisis, with global implications. A group of scientists recently explored the global consequences of a potential India-Pakistan nuclear confrontation. They found that the direct effects would be devastating for both countries, but the indirect effects on climate would be catastrophic for the world. Surface sunlight would decline by 20–35 percent, cooling the global surface by 2°C–5°C and reducing precipitation by 15–30 percent. Recovery would take more than ten years, while net primary productivity would decline 15–30 percent on land and 5–15 percent in oceans, threatening mass starvation and additional

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<sup>1</sup> Steven Lee Myers, “Beijing Takes Its South China Sea Strategy to the Himalayas,” *New York Times*, November 27, 2020, <https://www.nytimes.com/2020/11/27/world/asia/china-bhutan-india-border.html>.

<sup>2</sup> Julian Borger, “Imran Khan Warns UN of Potential Nuclear War in Kashmir,” *Guardian*, September 26, 2019, <https://www.theguardian.com/world/2019/sep/26/imran-khan-warns-un-of-potential-nuclear-war-in-kashmir>.

<sup>3</sup> Jeffrey Lewis, “‘Night of Murder’: On the Brink of Nuclear War in South Asia,” Nuclear Threat Initiative, November 6, 2019, <https://www.nti.org/analysis/articles/night-murder-brink-nuclear-war-south-asia/>.

<sup>4</sup> Sameer P. Lalwani and Gillian Gayner, *India's Kashmir Conundrum: Before and After the Abrogation of Article 370*, special report 473 (Washington, DC: United States Institute of Peace, August 2020), 1.

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worldwide collateral fatalities.<sup>5</sup> As *Business Insider* summed up, a nuclear war in South Asia “could trigger Ice-Age temperatures, cause global famine, and kill 125 million people.”<sup>6</sup>

US withdrawal from Afghanistan requires not just “Afghan good enough” security forces and a deal with the Taliban. The security of Afghanistan and Kashmir are interlinked. As one expert observed, “In February 1989, the last Soviet soldier withdrew from Afghanistan. The transformation of Afghan warfare from jihad to chaos in the 1990s propelled an upsurge of violence in Kashmir. . . . When the Russians left Kabul, so did many of the foreign mujahideen, or Islamist fighters. They had to go somewhere. And for many of them, somewhere was Kashmir.”<sup>7</sup>

The combination of instability in Afghanistan and popular discontent, verging on uprising, in Kashmir creates ripe conditions for spillover. Stabilizing Afghanistan but not resolving the Kashmir crisis could once again trigger Afghan and international militant relocation to Kashmir, exacerbating the conflict there and potentially spilling over into other parts of the region, including back to Afghanistan.<sup>8</sup> Preventing battle-hardened Afghan and international jihadists from relocating to Kashmir would make for a more comprehensive US withdrawal plan. As would preventing Kashmiri militants from running training camps inside Afghanistan. This requires not just a military approach but also a diplomatic one. It requires India taking seriously and addressing through negotiations local Kashmiri grievances. New Delhi has productively contributed to the Afghan peace process,<sup>9</sup> and so there is good reason to believe that it is capable of effectively engaging in a Kashmir peace process.

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<sup>5</sup> Owen B. Toon et al., “Rapidly Expanding Nuclear Arsenals in Pakistan and India Portend Regional and Global Catastrophe,” *Science Advances* 5, no. 10 (October 2, 2019): 1–13.

<sup>6</sup> Aria Bendix, “If India and Pakistan Have a Nuclear War, Scientists Say It Could Trigger Ice-Age Temperatures, Cause Global Famine, and Kill 125 Million People,” *Business Insider*, October 3, 2019, <https://www.businessinsider.com/india-pakistan-nuclear-war-death-famine-2019-10>.

<sup>7</sup> Jonah Blank, “Let’s Talk about Kashmir,” *Foreign Policy*, September 5, 2014, <https://foreignpolicy.com/2014/09/05/lets-talk-about-kashmir/>.

<sup>8</sup> *Pakistan: Friend or Foe in the Fight against Terrorism? Joint Hearing before the Committee on Foreign Affairs*, 114th Cong. (2016).

<sup>9</sup> Sheikh Saaliq, “AP Interview: Top Afghan Negotiator Lauds India’s Support,” *Associated Press*, October 10, 2020, <https://apnews.com/article/international-news-peace-process-afghanistan-india-kabul-7df3959333408dbceff8d9fdfa2a5b21>.



Finally, facilitating a Kashmir peace deal is an opportunity for the United States to make clear its position on democracy and human rights. It would send a message to India and the rest of the world confronting the rise of authoritarianism about the distinctiveness and value of America's global leadership. Official visits and initiatives, such as the Parliamentary Exchange program led by Congressmen Brad Sherman and George Holding, provide a platform for deepening the countries' shared democratic values.<sup>10</sup>

"Any time is a good time to treat a festering wound," a Kashmiri activist and doctor memorably responded to my question about when to tackle the Kashmir crisis. Kashmir is a "festering wound" from the standpoint of democratic freedoms and human rights. The current mental health<sup>11</sup> and women's reproductive health<sup>12</sup> crises reveal the conflict's human toll, which has been compounded by the COVID-19 pandemic. A peace deal would drastically improve the lives of millions. And as Nobel Prize-winning Indian economist Amartya Sen reminds us, human flourishing has intrinsic value that does not have to be justified in strategic terms.<sup>13</sup>

### Lessons from Theory and Reality

When is the best time to undertake a peace initiative? Conflict-mediation literature offers two insights into this question. The first, ripeness theory, highlights the conditions under which negotiations are most likely to succeed. The second, readiness theory, stresses the importance of actors' motivation, or psychological preparedness. An outside actor could ripen the conflict for resolution or help any unmotivated party to recognize that the time is right for talks. An outsider with leverage and credibility would be most effective in the latter scenario. Through careful interventions, a weak facilitator could lay the groundwork for

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<sup>10</sup> Lalit K. Jha, "US, India Announce Establishment of Annual Parliamentary Exchange," *Economic Times*, December 20, 2019, <https://economictimes.indiatimes.com/news/politics-and-nation/us-india-announce-establishment-of-annual-parliamentary-exchange/articleshow/72896871.cms?from=mdr>.

<sup>11</sup> Sameer Yasir, "Kashmir, Under Siege and Lockdown, Faces a Mental Health Crisis," *New York Times*, April 26, 2020, <https://www.nytimes.com/2020/04/26/world/asia/kashmir-india-mental-health-coronavirus.html>.

<sup>12</sup> Safeena Wani, "How Ongoing Conflict in Kashmir Has Affected Women's Reproductive Health," *South China Morning Post*, August 1, 2020, <https://www.scmp.com/week-asia/health-environment/article/3095588/how-ongoing-conflict-kashmir-has-affected-womens>.

<sup>13</sup> Amartya Sen, *Development as Freedom* (New York: Alfred A. Knopf, 1999), 37.

peace talks. A strong facilitator would still, however, be necessary for a successful outcome.<sup>14</sup> For example, the recent Russian intervention into the Azeri-Armenian war in Nagorno-Karabagh decisively ended the military conflict. Although the terms were very difficult for Yerevan to accept, Russia's role as a strong facilitator enabled both sides to cease hostilities and settle on the basic parameters of a new geopolitical reality in the region.

Successful peace negotiations are not just about crafting the perfect agreement. They are also about taking advantage of favorable conditions, or opportune timing. Among the most conducive conditions flagged by the ripeness approach is the so-called mutually hurting stalemate—when no one can win and the deadlock is painful to everyone. When “alternative, usually unilateral, means of achieving a satisfactory result are blocked and the parties find themselves in an uncomfortable and costly predicament,” they tend to “grab on to proposals that usually have been in the air for a long time and that only now appear attractive,” observes I. William Zartman.<sup>15</sup> Peace negotiations between the Colombian government and Revolutionary Armed Forces of Colombia (FARC) are a case in point. The inability of either side to advance its relative positions vis-à-vis each other opened the space for a negotiated end to the conflict. Another condition is that of a looming catastrophe, which could make the bad situation even worse.<sup>16</sup> This is especially the case when it is likely to become worse for the stronger party. Such a dynamic plays an important role in the intra-Afghan negotiations, as the Afghan government is losing the war with the Taliban.<sup>17</sup> When faced with the prospect of losing power, the strong can be inclined to make a deal before becoming weaker.<sup>18</sup>

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<sup>14</sup> Ada Nissen, “Weak Third Parties and Ripening: Revisiting Norwegian Interventions in Guatemala and the Israeli-Palestinian Conflict,” *International Negotiation* 20 (2015), 390.

<sup>15</sup> I. William Zartman, “Ripeness: The Hurting Stalemate and Beyond,” in *International Conflict Resolution after the Cold War*, ed. Paul C. Stern and Daniel Druckman (Washington, DC: National Academy Press, 2000), 225.

<sup>16</sup> Aytekin Cantekin, “Ripeness and Readiness Theories in International Conflict Resolution,” *Journal of Mediation and Applied Conflict Analysis* 3, no. 2 (2016): 418.

<sup>17</sup> “Why Afghanistan’s Government Is Losing the War with the Taliban,” *Economist*, May 18, 2019, <https://www.economist.com/asia/2019/05/18/why-afghanistans-government-is-losing-the-war-with-the-taliban>.

<sup>18</sup> Nita Yawanarajah, *Ripe, Ready or Strategic? The Timing of Peace Initiatives* (London: Oxford Research Group, 2016),



Different actors have different perceptions of ripeness; what may seem as hopeless and painful to some may not seem that way to others.<sup>19</sup> Historical memories,<sup>20</sup> geopolitical considerations,<sup>21</sup> and internal political factors, such as the civil-military balance, can affect one's pain threshold. Readiness theory furthers the concept of ripeness by arguing that actors are ready for conflict resolution when they are motivated to end the conflict and optimistic about the success of negotiation.<sup>22</sup> An outside party can play a critical role in making peace talks not just possible but also attractive by identifying the ripe conditions and motivating any hesitant actors to negotiate through targeting the psychological or political factors that affect their readiness.<sup>23</sup>

### US Role

Washington may seek an opportunity to play a role in bringing about a negotiated settlement of the Kashmir conflict. Concern for human rights and democratic freedoms still animate the US political establishment, especially that of the new Joe Biden administration, as does the threat of a nuclear confrontation between India and Pakistan. More immediately, Washington will be looking forward to disengaging from Afghanistan in a way that maintains order in that country as well as in the broader region. The specter of the early 1990s, when the Russian withdrawal from Afghanistan let loose networks of jihadists who relocated to other conflict regions, will weigh heavily on the minds of American negotiators. The United States is interested in winding down the longest war in its history in a way that preserves at least some of its accomplishments in Afghanistan. The likelihood of a spillover of jihadist elements to other regions, such as Kashmir, provides an immediate motivation for the United States to intervene in the long-running Kashmir conflict.

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<https://www.oxfordresearchgroup.org.uk/Handlers/Download.ashx?IDMF=49b151f2-0338-4df1-a6c0-5d70d84e5398>.

<sup>19</sup> I. William Zartman, "The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments," *Global Review of Ethnopolitics* 1, no. 1 (2001), 9.

<sup>20</sup> Samia Hanif and Inayat Ullah, "War Trauma, Collective Memory, and Cultural Productions in Conflict Zones: Kashmir in Focus," *Sage Open*, July–September 2018, 8.

<sup>21</sup> T. V. Paul, *The Warrior State: Pakistan in the Contemporary World* (New York: Oxford University Press, 2014).

<sup>22</sup> Dean G. Pruitt, "Whither Ripeness Theory" (working paper 25, Institute for Conflict Analysis and Resolution, George Mason University, 2005), iv.

<sup>23</sup> Cantekin, "Ripeness and Readiness Theories in International Conflict Resolution," 418.

The United States need not play an official mediator's role, which former President Donald Trump offered to do on multiple occasions. India categorically rejected the offers, citing its firm stance that Kashmir is a bilateral issue between New Delhi and Islamabad.<sup>24</sup> Where there is an opportunity for US officials to play a constructive role is in encouraging their Indian counterparts to consider Kashmir peace talks as a viable strategy. There is strong evidence that if New Delhi was in, so would be Islamabad<sup>25</sup> and mainstream Kashmiri politicians.

The next sections identify the opportune conditions and developments that Washington could seize to ready New Delhi for Kashmir peace talks. They are India's high leverage over its rivals, political ripeness in Kashmir, New Delhi's reputation, China's increasing interest in the contested region, and Modi's robust voter base.

### 1. Leverage

The best time to engage in negotiations is when you are at the pinnacle of power and have far less to lose from refusing to settle than does your challenger. This is when you can negotiate for yourself the best deal possible, while avoiding the costs and uncertainties of continued conflict. This is such a time for India vis-à-vis the Kashmir conflict.

Unfortunately, those in a powerful position may be least inclined to negotiate. More victories seem just around the corner. But in violent conflict, nothing is certain. Military theorist Carl von Clausewitz reminds us that war is always a gamble: "No other human activity is so continuously or universally bound up with chance."<sup>26</sup> To think that prior successes guarantee final victory in an activity as uncertain as war is to be under the so-called hot-hand delusion.<sup>27</sup> Those displaying the hot hand typically prefer to keep playing.

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<sup>24</sup> Geeta Mohan, "Kashmir a Bilateral Issue, India Tells US after Trump Offers Help," *India Today*, January 22, 2020, <https://www.indiatoday.in/india/story/kashmir-a-bilateral-issue-india-tells-us-after-trump-offers-help-1639126-2020-01-22>.

<sup>25</sup> Karan Thapar, "Full Text: Interview with Imran Khan's NSA on Kashmir, Uighurs, Jadhav, Terror and Talks," *Wire*, October 15, 2020, <https://thewire.in/south-asia/interview-imran-khan-nsa-moeed-yusuf-pakistan>.

<sup>26</sup> Carl von Clausewitz, *On War*, trans. and ed. Michael Howard and Peter Paret (Princeton: Princeton University Press, 1976), 85.

<sup>27</sup> Thomas Gilovich, Robert Vallone, and Amos Tversky, "The Hot Hand in Basketball: On the Misperception of Random Sequences," *Cognitive Psychology* 17, no. 3 (1985): 295–314.

This is precisely why an outsider with leverage and credibility is crucial for encouraging the player to quit while ahead.

India is currently enjoying historically high leverage inside Kashmir after the August 2019 revocation of the region's special status and subsequent crackdown. This is also the case vis-à-vis Pakistan, which has effectively lost its most powerful patron—the United States. Pakistan is also currently restraining powerful anti-India militant outfits like Lashkar-e-Taiba and Jaish-e-Mohammed so as “to evade scrutiny amid impending sanctions” for funding terrorist groups under the Financial Action Task Force.<sup>28</sup> This concurrence ensures that in any dialogues with Pakistan and talks with Kashmiri representatives, India would be negotiating from a position of strength.

### **2. Political Ripeness in Kashmir**

The time for peace negotiations is made all the more opportune by the emergence of a political actor that can credibly speak for the majority of Kashmiris. It is the People's Alliance for Gupkar Declaration—a coalition of regional mainstream political parties aiming to restore the rights the people of the erstwhile State of Jammu and Kashmir held before August 5, 2019.

On August 4, 2019, as tens of thousands of new paramilitary troops deployed in the region and tourists were instructed to leave the valley as quickly as possible, leaders of all of the major political parties in Kashmir, except the right-wing Bharatiya Janata Party (BJP), met and issued the so-called Gupkar Declaration. Their goal was to protect Kashmir's autonomy and special status, under Article 370 of India's constitution. The next day, New Delhi revoked Article 370, split the state into two union territories, and repealed Article 35A, which guaranteed specific rights to Kashmir's permanent residents. The central government then imposed a complete lockdown and communications blackout—the “longest ever in a democracy.”<sup>29</sup> Among the thousands arrested were over two hundred politicians, both

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<sup>28</sup> Shweta Desai, “Can China Help? In Kashmir, Anti-India Militancy and Calls for Self-Rule Continue,” *This Week in Asia*, August 3, 2020, <https://www.scmp.com/week-asia/politics/article/3095815/can-china-help-kashmir-anti-india-militancy-and-calls-self-rule>.

<sup>29</sup> Niha Masih, Shams Irfan, and Joanna Slater, “India's Internet Shutdown in Kashmir Is the Longest Ever in a Democracy,” *Washington Post*, December 16, 2019,

separatist and pro-India, including two former chief ministers of the state.<sup>30</sup> In what critics decried as an attempt to change the demography of the region, New Delhi also issued some twenty-five thousand domicile certificates—entitling a person to residency and government jobs, which were previously reserved only for the local population—and introduced legal changes that allow any Indian national to buy land in Kashmir.<sup>31</sup>

On August 22, 2020, six political parties in Kashmir—including the National Conference, the Congress, and the People’s Democratic Party—vowed “to collectively fight to restore the Special Status” of Jammu and Kashmir.<sup>32</sup> This came to be known as the Gupkar Declaration II and led to the creation of the People’s Alliance for Gupkar Declaration. The parties coordinated secretly out of fear of fresh detentions, sabotage, and reprisal from the government.<sup>33</sup> Ironically, what made their union so swift was the prolonged detention the party leaders endured, with most under a single roof. Observers noted that “the leaders cutting across political lines developed personal bonds [during the detention] which eventually lead [*sic*] to their unity. More so, the antagonistic behaviour of certain bureaucrats and police officers towards the detained leaders led to a greater bonhomie.”<sup>34</sup>

New Delhi’s confidence-building measures ahead of peace talks should involve simultaneously reaching out to mainstream political parties, probably through the People’s

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[https://www.washingtonpost.com/world/asia\\_pacific/indias-internet-shutdown-in-kashmir-is-now-the-longest-ever-in-a-democracy/2019/12/15/bb0693ea-1dfc-11ea-977a-15a6710ed6da\\_story.html](https://www.washingtonpost.com/world/asia_pacific/indias-internet-shutdown-in-kashmir-is-now-the-longest-ever-in-a-democracy/2019/12/15/bb0693ea-1dfc-11ea-977a-15a6710ed6da_story.html).

<sup>30</sup> Devjyot Ghoshal and Alasdair Pal, “Thousands Detained in Indian Kashmir Crackdown, Official Data Reveals,” Reuters, September 12, 2019, <https://www.reuters.com/article/us-india-kashmir-detentions/thousands-detained-in-indian-kashmir-crackdown-official-data-reveals-idUSKCN1VX142>.

<sup>31</sup> Rifat Fareed, “Kashmiris Decry ‘Land Grab’ as India Enacts New Laws,” Al Jazeera, October 28, 2020, <https://www.aljazeera.com/news/2020/10/28/india-enacts-new-laws-in-kashmir-allowing-outsiders-to-buy-land>.

<sup>32</sup> Azaan Javaid, “Will Tirelessly Fight to Restore Article 370, Says J&K Parties, Congress, and CPM Joint Statement,” *Print*, August 22, 2020, <https://theprint.in/politics/will-tirelessly-fight-to-restore-article-370-says-jk-parties-congress-cpm-joint-statement/487261/>.

<sup>33</sup> Bashaarat Masood, “Behind Joint Statement by J&K Parties: 2 Weeks of Phone Calls, Many Leaders Kept Out of Loop,” *Indian Express*, August 26, 2020, <https://indianexpress.com/article/india/behind-joint-statement-by-jk-parties-2-weeks-of-phone-calls-many-leaders-kept-out-of-loop-6569832/>.

<sup>34</sup> Khalid Shah, “Gupkar Declaration a Blessing in Disguise for the Modi Govt to Set Things Right in Kashmir,” *Print*, September 30, 2020, <https://theprint.in/opinion/gupkar-declaration-a-blessing-in-disguise-for-the-modi-govt-to-set-things-right-in-kashmir/512897/>.

Alliance for Gupkar Declaration, and the local population. For the latter, immediate steps may include restoring 4G internet services across the state, securing land and jobs for the locals, youth outreach initiatives, releasing those still detained under charges of stone pelting, and developing a surrender policy toward the militants. New Delhi would make progress with the political parties by softening its tone toward the mainstream Kashmiri politicians, releasing all political prisoners, disavowing patronage politics, and committing to a draft on future policy on Kashmir, which has been absent for the last several years.

There is good reason to believe that any peace deal struck between New Delhi and mainstream Kashmiri politicians would be welcomed even by some of the most radicalized members of the Kashmiri society.<sup>35</sup> They are the so-called “generation of rage,” which played a leading role in the 2016–17 uprisings.<sup>36</sup> In October through December 2019, Samir Ahmad Bhat and I surveyed 593 college and university students about their political attitudes. The survey took place at a time when the region was in lockdown and the vast majority of Kashmiris likely felt disaffected and angry toward India. Yet when we asked what it would take to bring long-lasting peace to Kashmir, many of the youths were hopeful. Most of the students we surveyed were optimistic about a number of different options. Most notably, two-thirds of them believed that peace negotiations between India and Pakistan could be effective. The number jumped to 83 percent when our survey question included the participation of Kashmiri representatives in these negotiations.<sup>37</sup>

It is typically assumed that any negotiations over the future of Kashmir can only take place bilaterally between India and Pakistan, be it openly or through back channels.<sup>38</sup> This

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<sup>35</sup> Joanna Slater, “From Scholars into Militants: Educated Kashmiri Youths Are Joining an Anti-India Insurgency,” *Washington Post*, March 28, 2019, [https://www.washingtonpost.com/world/asia\\_pacific/from-scholar-to-militant-why-more-kashmiri-youth-are-joining-an-insurgency-against-india/2019/03/26/2a6e92c6-45ce-11e9-94ab-d2dda3c0df52\\_story.html](https://www.washingtonpost.com/world/asia_pacific/from-scholar-to-militant-why-more-kashmiri-youth-are-joining-an-insurgency-against-india/2019/03/26/2a6e92c6-45ce-11e9-94ab-d2dda3c0df52_story.html).

<sup>36</sup> David Devadas, *The Generation of Rage in Kashmir* (New Delhi: Oxford University Press, 2018).

<sup>37</sup> Yelena Biberman and Samir Ahmad Bhat, “Young Kashmiris Think India and Pakistan Can Resolve Their Differences over Kashmir,” *Washington Post*, Monkey Cage, March 4, 2020, <https://www.washingtonpost.com/politics/2020/03/04/young-kashmiris-think-india-pakistan-can-resolve-their-differences-over-kashmir/>.

<sup>38</sup> Happymon Jacob, *Toward a Kashmir Endgame? How India and Pakistan Could Negotiate a Lasting Solution*, special report 434 (Washington, DC: United States Institute of Peace, August 5, 2020).

assumption stems not only from the Shimla Agreement in 1972, in which India and Pakistan committed to the “peaceful resolution of all issues through direct bilateral approaches.”<sup>39</sup> It also stems from the erroneous belief that Kashmiri separatism would end if only Pakistan stopped sponsoring terrorism. But the uprising that erupted in 1989 was an indigenous one, and it continues to be primarily a local struggle. Experts are currently observing such “a groundswell of local support” for an anti-India insurgency that “in the future it would not require Pakistan’s ‘moral or material support.’”<sup>40</sup>

New Delhi must negotiate directly with Kashmiris for any peace efforts to succeed. Reaching an agreement with them *before* engaging in bilateral talks with Pakistan would significantly strengthen New Delhi’s leverage over Islamabad.

### 3. Reputation

In international relations, reputation can be a source of power or a liability. In a world where offensive capabilities are observable but intentions are not, a country’s reputation—the judgement of its character in light of past behavior—can influence how others perceive and respond to it.<sup>41</sup>

Mahesh Shankar’s in-depth study of India’s approach to territorial conflict involving Kashmir and China demonstrates the critical role reputation has historically played in South Asia.<sup>42</sup> India’s leaders refused to compromise even over territory they deemed unimportant when they believed that doing so would make India look weak. They conceded even valuable territory when doing so made India seem not weak but generous.

Would entering peace negotiations with Pakistan and Kashmiri representatives make India look weak or strong? The answer, Shankar suggests, depends on New Delhi’s bargaining strength—the amount of control it is currently able to exercise over Kashmiri

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<sup>39</sup> Ministry of External Affairs, Government of India, “Simla Agreement,” July 2, 1972, <https://mea.gov.in/in-focus-article.htm?19005/Simla+Agreement+July+2+1972>.

<sup>40</sup> Desai, “Can China Help?”

<sup>41</sup> John Mearsheimer, *The Tragedy of Great Power Politics* (New York: W. W. Norton and Company, 2003).

<sup>42</sup> Mahesh Shankar, *The Reputational Imperative: Nehru’s India in Territorial Conflict* (Stanford: Stanford University Press, 2018).



territory. This is a function not just of physically possessing the land in question but also of being able to project military power over it. When a country's bargaining strength is high, as is the case with India in Kashmir after August 2019, compromise signals generosity and thus positively contributes to international reputation.<sup>43</sup>

India's reputation has suffered in the past year. New Delhi's cancelation of Kashmir's special status in August 2019 and subsequent crackdown on an already highly militarized region sent shockwaves around the world.<sup>44</sup> Despite being cut off from each other and the world, Kashmiris suddenly gained global attention and sympathy. As a Democratic contender, Biden asked the Indian government to "take all necessary steps to restore rights for all the people of Kashmir."<sup>45</sup> President Trump offered to mediate the crisis. The New York Times Editorial Board implored the United Nations Security Council to "make clear that it opposes Mr. Modi's brutal tightening of India's control on Kashmir."<sup>46</sup>

In Thucydides' famed account of the Peloponnesian War, Melian representatives warned the Athenian generals that acquiring the reputation of an aggressor by subjugating the island would "make greater the enemies that you have already" and "force others to become so who would otherwise have never thought of it."<sup>47</sup> This did not stop the ensuing carnage. But when the tide turned and Sparta emerged victorious, it expelled the Athenian colonists from Melos and restored the survivors of the siege to the island, now, however, under Spartan rule.

India acquiring the global reputation of a bully similarly risks strengthening the hand of Pakistan and losing the moral ground to object to any changes in the status of Pakistan-

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<sup>43</sup> Shankar, *The Reputational Imperative*, 21.

<sup>44</sup> Nandita Singh, "How Foreign Media Coverage of Kashmir Crisis Has Become a Headache for Modi Govt," *Print*, October 29, 2019, <https://theprint.in/features/how-foreign-media-coverage-of-kashmir-crisis-has-become-a-headache-for-modi-govt/312558/>.

<sup>45</sup> Biden for President, "Joe Biden's Agenda for Muslim-American Communities," official Biden 2020 campaign website, <https://joebiden.com/muslimamerica/#>.

<sup>46</sup> New York Times Editorial Board, "The U.N. Can't Ignore Kashmir Anymore," *New York Times*, October 2, 2019, <https://www.nytimes.com/2019/10/02/opinion/editorials/kashmir-india-pakistan-un.html>.

<sup>47</sup> Thucydides, "Sixteenth Year of the War—The Melian Conference—Fate of Melos," chap. 17, in *History of the Peloponnesian War*, <https://www.mtholyoke.edu/acad/intrel/melian.htm>.

administered areas of Kashmir.<sup>48</sup> In fact, the Pakistani prime minister Imran Khan used the occasion to grant “provisional provincial” status to Gilgit-Baltistan. Pakistan’s only land link to China, Gilgit-Baltistan is “at the center” of the China-Pakistan Economic Corridor (CPEC)—“a multibillion-dollar infrastructural development project aimed at deepening economic connectivity between the two staunch allies.”<sup>49</sup> India’s move vis-à-vis the Kashmiri territory under its control in effect strengthened Pakistan by legitimizing a move that brought Pakistan and China closer together.

### 4. China

Ripeness theory suggests that any development that could potentially weaken the stronger party in a given conflict can be used to get that party to the negotiating table. China’s increasing interest in the contested region is such a development, as it strengthens Pakistan’s hand in the region.

Beijing has historically maintained formal neutrality on the Kashmir dispute but has recently started speaking more openly about it. In a now-deleted tweet posted in June 2020, a spokesman of the Chinese embassy in Pakistan linked the recent India-China border standoff in Ladakh to New Delhi’s revocation of Kashmir’s special status. He wrote, “India’s actions of unilaterally changing the status quo of Kashmir and continuing to exacerbate regional tensions have posed a challenge to the sovereignty of China and Pakistan and made the India-Pakistan relations and China-India relations more complex.”<sup>50</sup> On the official front, China supported Pakistan’s bid for a “closed consultation” on Article 370 at the United Nations Security Council.<sup>51</sup>

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<sup>48</sup> Ramesh Thakur, “India’s Bad Bet in Kashmir,” *Japan Times*, August 13, 2019, <https://www.japantimes.co.jp/opinion/2019/08/13/commentary/world-commentary/indias-bad-bet-kashmir/>.

<sup>49</sup> Ayaz Gul, “Pakistan Announces ‘Provisional Provincial’ Status for Part of Kashmir,” *VOA*, November 1, 2020, <https://www.voanews.com/south-central-asia/pakistan-announces-provisional-provincial-status-part-kashmir>.

<sup>50</sup> Rezaul H. Laskar, “Chinese Diplomat Tweets a Twist to Ladakh Standoff, Sees Link to Article 370,” *Hindustan Times*, June 13, 2020, <https://www.hindustantimes.com/india-news/chinese-diplomat-links-ladakh-standoff-to-scrapped-art-370-creates-a-flutter/story-Jn0zkpbBFq16pcsdKf82K.html>.

<sup>51</sup> Sriram Lakshman and Kallol Bhattacharjee, “Kashmir Issue: U.N. Security Council to Hold Closed-Door Meeting on August 16,” *Hindu*, August 16, 2019,

In recent years, the Indian army has recovered Chinese-made grenades, guns, and ammunition from Pakistani militants and Chinese drones in the Kashmir Valley.<sup>52</sup> Some inside Kashmir welcome Beijing's involvement, believing that it would "push the envelope militarily and work with Islamabad to support the cause of Kashmiri independence."<sup>53</sup> Following the Ladakh clash, *Ladakh Kheow Chenan* ("China takes over Ladakh") became a trending topic on social media in Kashmir.<sup>54</sup> During one demonstration in Srinagar—the erstwhile state's largest, most populous city and summer capital—protesters mocked the police by chanting *Cheen aya Cheen aya* ("China is coming").<sup>55</sup>

China's interest in Kashmir primarily stems from the billions of dollars it is investing in the CPEC—the linchpin of the Belt and Road Initiative (BRI, also known as the New Silk Road),<sup>56</sup> a colossal infrastructure project that would stretch from East Asia to Europe.<sup>57</sup> So treasured is the project that China's Communist Party incorporated it in its constitution.<sup>58</sup> Instability in Kashmir impedes not just Beijing's efforts to spread economic and political influence abroad. It also threatens the domestic reputation of President Xi Jinping—the man *Forbes* currently lists as the world's most powerful person.<sup>59</sup>

The stability of Gilgit-Baltistan, the starting point of the CPEC, is a top priority for Beijing. In addition to projects such as the construction of the Diamer Bhasha Dam, the region is critical to the development of a land-based alternative to the maritime "chokepoint" of the

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<https://www.thehindu.com/news/national/un-security-council-to-discuss-kashmir-issue-behind-closed-doors-on-august-16-diplomats/article29102959.ece>.

<sup>52</sup> Desai, "Can China Help?"

<sup>53</sup> Desai, "Can China Help?"

<sup>54</sup> Desai, "Can China Help?"

<sup>55</sup> Bhat Burhan and Saqib Mugloo, "Kashmiris See Ray of Hope in India-China Standoff in Himalayas," *Nikkei Asia*, July 2, 2020, <https://asia.nikkei.com/Politics/International-relations/Kashmiris-see-ray-of-hope-in-India-China-standoff-in-Himalayas>.

<sup>56</sup> Syeda Dhanak and Fatima Hashmi, "Linchpin of the Belt and Road," *China Daily*, April 19, 2019, [http://www.chinadaily.com.cn/global/2019-04/19/content\\_37460187.htm](http://www.chinadaily.com.cn/global/2019-04/19/content_37460187.htm).

<sup>57</sup> Andrew Chatzky and James McBride, "China's Massive Belt and Road Initiative," *Council on Foreign Relations*, January 28, 2020, <https://www.cfr.org/backgrounder/chinas-massive-belt-and-road-initiative>.

<sup>58</sup> Xinhua, "'Belt and Road' Incorporated into CPC Constitution," 19<sup>th</sup> CPC National Congress, October 24, 2017, [http://www.xinhuanet.com/english/2017-10/24/c\\_136702025.htm](http://www.xinhuanet.com/english/2017-10/24/c_136702025.htm).

<sup>59</sup> "The World's Most Powerful People," *Forbes*, <https://www.forbes.com/powerful-people/list/#tab:overall>.

Strait of Malacca.<sup>60</sup> Consequently, Beijing has “prompted” Islamabad to fix Gilgit-Baltistan’s legal status.<sup>61</sup> Some speculate that China’s recent “muscle-flexing” in Ladakh has been about deterring and distracting India from conflict with Pakistan.<sup>62</sup>

### 5. Modi

It took Nixon (a staunch anti-Communist) to go to China, and it took Lyndon Johnson (a southern Democrat who resisted civil rights earlier in his career) to sign civil rights bills into US law. Could it take Modi to bring peace to Kashmir? The good news for Modi is that it is easier for hawks than doves to reconcile with an adversary without triggering domestic backlash. His hawkish reputation and political prowess put him in a uniquely maneuverable position vis-à-vis domestic constituency and rivals.<sup>63</sup> He would unlikely lose significant support, and may even boost his popularity, by negotiating the end to the Kashmir conflict on highly favorable terms. The latter’s prospect is greater if he engages mainstream regional politicians and ordinary Kashmiri people now than after a “resurgence of violent and quasi-violent resistance,” which experts predict.<sup>64</sup>

Not long after Modi came to power, there were glimmers of hope that he would be the one to solve the Kashmir conflict. His BJP predecessor, Atal Bihari Vajpayee, had sought to engage Pakistan and Kashmiri separatists simultaneously with the principles of *Insaaniyat* (humanism), *Jamhooriyat* (democracy), and *Kashmiriyat* (Kashmir’s age-old tradition of communal harmony).<sup>65</sup> Modi’s own approach to Kashmir initially involved engaging with Kashmiris directly by promoting “development,” employment, and good

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<sup>60</sup> Jeremy Garlick, “Deconstructing the China-Pakistan Economic Corridor: Pipe Dreams versus Geopolitical Realities,” *Journal of Contemporary China* 27, no. 112 (2018): 519.

<sup>61</sup> Zia Ur Rehman, “Pakistan’s Gilgit-Baltistan: Between the Kashmir Conflict and China,” *TRT World*, September 25, 2020, <https://www.trtworld.com/magazine/pakistan-s-gilgit-baltistan-between-the-kashmir-conflict-and-china-40053>.

<sup>62</sup> Kunwar Khuldune Shahid, “Pakistan Is Doing Its Own Political Reengineering in Kashmir,” *Foreign Policy*, October 12, 2020, <https://foreignpolicy.com/2020/10/12/gilgit-baltistan-election-pakistan-india-kashmir/>.

<sup>63</sup> Emily Schmall and Hari Kumar, “India’s Modi Reverses His Fortunes in Crucial State,” *New York Times*, November 11, 2020, <https://www.nytimes.com/2020/11/09/world/asia/india-bihar-election.html>.

<sup>64</sup> Lalwani and Gayner, “India’s Kashmir Conundrum,” 1.

<sup>65</sup> Jhinuk Chowdhury, “Narendra Modi’s Grand Plan for Kashmir,” *Diplomat*, March 12, 2015, <https://thediplomat.com/2015/03/narendra-modis-grand-plan-for-kashmir/>.

governance in the region, while keeping Pakistan and the separatists at bay.<sup>66</sup> Then, suddenly, Modi even seemed open to improving the relationship with Pakistan. In December 2015 he made a surprise stopover in Lahore.<sup>67</sup> This was the first time an Indian premier visited the country in over a decade. Kashmir's chief minister welcomed the news, as he believed it marked Modi's "resolve to enter into a long-term strategic partnership with Pakistan."<sup>68</sup>

The idea that Modi's legacy may be peace in Kashmir now seems almost inconceivable. "Gone are the carrot-and-stick methods of previous governments that saw at least attempting to win hearts and minds [of Kashmiris]," observers noted during India's 2019 general election.<sup>69</sup> Kashmir may be a convenient political distraction from India's economic problems, but it is also an opportunity for Modi to leave a lasting legacy. As a hawk, he is far less likely than his domestic political opponents to pay a high price at the polls.<sup>70</sup> And given New Delhi's current leverage in Kashmir and over Pakistan, as well as the potential reputational benefits, convincing Modi to give Kashmir peace talks a try may not prove harder than convincing Nixon to go to China.

### Conclusions

There are numerous minimally intrusive techniques Washington may consider for inducing and facilitating Kashmir peace negotiations, be they between New Delhi and Kashmiri representatives, between New Delhi and Islamabad, or among all three at once. In addition to convincing India to give peace talks a try, they include helping to set up the

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<sup>66</sup> Chowdhury, "Narendra Modi's Grand Plan for Kashmir."

<sup>67</sup> Reuters in New Delhi, "Indian Prime Minister Makes Surprise Stopover in Pakistan," *Guardian*, December 25, 2015, <https://www.theguardian.com/world/2015/dec/25/indian-prime-minister-makes-surprise-stopover-in-pakistan>.

<sup>68</sup> Peerzada Ashiq, "Modi's Surprise Visit to Lahore Evokes Hope in Kashmir," *Hindu*, December 26, 2015, <https://www.thehindu.com/news/national/modis-surprise-visit-to-lahore-evokes-hope-in-kashmir/article8029444.ece>.

<sup>69</sup> Aijaz Hussain, "Modi Flexes Muscles in Kashmir to Woo India's Hindu Voters," ABC News, May 6, 2019, <https://abcnews.go.com/International/wireStory/modi-flexes-muscles-kashmir-woo-indias-hindu-voters-62844543>.

<sup>70</sup> Michaela Mattes and Jessica L. P. Weeks, "The U.S.–North Korea Summit Could Be Trump's 'Nixon-to-China' Moment," *Monkey Cage*, *Washington Post*, May 10, 2018, <https://www.washingtonpost.com/news/monkey-cage/wp/2018/05/10/trumps-north-korea-summit-could-be-his-nixon-to-china-moment/>.

## A Kashmir Peace Deal Now?

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negotiations; providing advice and offering proposals; serving as a sounding board for all sides; protecting the negotiators from outside influence; and when fitting, just staying out of the way.<sup>71</sup>

Facilitating a Kashmir peace deal is an opportunity for the United States to flex its diplomatic muscles. As acclaimed American diplomat (and current nominee for Central Intelligence Agency Director) William Burns summed up in his recent memoir, “The task will be to use what remains of the historic window of American preeminence to shape a new international order. . . . We will not be able to safeguard our values and interests on our own, or by big sticks alone. It will require persuading our partners as well as our adversaries of their stake in such an order. Only diplomacy can deliver on that.”<sup>72</sup>

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<sup>71</sup> James A. Wall, “Mediation: An Analysis, Review, and Proposed Research,” *Journal of Conflict Resolution* 25, no. 1 (March 1981): 157.

<sup>72</sup> William J. Burns, *The Back Channel: A Memoir of American Diplomacy and the Case for Its Renewal* (New York: Random House, 2019), 9.



