

# Options for Addressing the Kashmir Issue

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The aggravated internal security situation in Kashmir gets into its fourth decade over the turn of the decade. Though the 40-year mark is not unusual in insurgencies, particularly where proxy war and hybrid war are endemic, it is a timely juncture for reflection on whether more needs doing and what needs doing differently. This article attempts such an exercise, assuming that a strategy for return of normalcy by mid-decade is worthwhile.

The assumption springs from the logic that India's great power ambitions are debilitated by its commitment in Kashmir. Fallout from the protracted conflict in Kashmir is leading to India being boxed into South Asia, by being hyphenated with Pakistan serving as a cat's paw of China. A second assumption is that a strategy for putting the Kashmir issue behind India by mid-next decade would entail an 'all of government' approach. The logic of this assumption is Clausewitzian: that the political level supersedes the military. A political problem brooks a political solution, with a military template being at best a conflict management tool that cannot substitute for conflict resolution.

Beginning with a quick environment scan, the article first outlines the strategy options along a continuum, weighed, at one end, by a security forces-heavy approach and by a peace process, at the other. The three options arising are: hardline, mixed and softline. The three are not mutually exclusive. The broad military measures in place, being known, are not reiterated here. Instead, the article thereafter conducts a brief outline of a peace process and conflict analysis to highlight the possibilities in the peace prong of the strategy.

## **An Environment Scan**

Operation All Out, launched to contain the outbreak of agitations after the death of Hizb-ul-Mujahideen affiliated Burhan Wani, continuing into its second year, has resulted in over 250 terrorist deaths.<sup>1</sup> This is indicative of the military returning Kashmir yet again to a level of relative stability under which a political prong of the strategy can be relevant. However, owing to the demise of the ruling coalition in the state mid-last year, the state has been under Governor's and President's rule. The central government has also been looking at national elections. The security conditions conducive to political action have been underutilised,<sup>2</sup> with the special representative<sup>3</sup> inactive and the Governor attending to governance issues. The upshot has been in reports of increasing radicalism. Some 300 youth continue to be in militant ranks. This implies that the Security Forces (SF) have their hands full over the coming year, with the immediate concern being security for the Parliamentary and Assembly elections.

The regional security situation is marked by the efforts towards a dignified exit from Afghanistan by the United States (US)-led North Atlantic Treaty Organisation (NATO). The US has, over the Trump presidency, weighed on Pakistan to deliver the Taliban to the table for talks, including through some arm-twisting such as withholding of funding for its military.<sup>4</sup> The talks process is set to acquire two tracks: one between the US and Taliban and the other between the Taliban and the Afghan government. Whether this eventuates in a transitional government at Kabul or the scheduled national elections mid-year is among the next steps. India has taken care to be at the table, having sent two retired Foreign Service officers as observers to one meeting of the renewed peace initiative.<sup>5</sup>

The pressure on Pakistan helped keep it in check through the year in Kashmir. It has made the best of the situation by projecting the Kashmir problem as an indigenous one. It has, however, kept its support alive through keeping the Line of Control (LoC) active, despite an understanding reached early in the year for reverting to the ceasefire. Politically, its new government has reached out to India and has used India's understandable reticence in election year to participate in any new political outreach, to attempt to upstage India.<sup>6</sup> Given that Pakistan has some cards up its sleeve in relation to its partial control over the Taliban, Pakistan is well placed to refresh its nefarious activities in Kashmir in the case of the Afghan peace initiative either succeeding or failing.

## The Three Broad Strategy Options

### *The Hardline Option*

The option stems from the perspective that Pakistan may take time to turn around, implying that the security forces would remain at the forefront for some time. Depending on how the Afghan situation shapes up, the effort would be to turn the tables on the two-front problem that India is faced with on Pakistan. An active western front would keep Pakistan from being overly proactive in Kashmir. Besides, it would open up scope for India's conventional deterrent to kick in, since the proactive operations cold start strategy is predicated on quick retribution in the case of Pakistani provocations crossing India's tolerance threshold. Over the summer, the integrated battle group concept, central to the cold start strategy, is on the test-bed.<sup>7</sup> The resulting restructuring of the mechanised formations would enable India to resuscitate its conventional deterrent. It would also tie in better with the nuclear deterrent, in that conventional operations would be better able to stay below the Pakistani nuclear threshold while administering punitive costs on its military. Not dwelt upon here are offensive intelligence operations that can suggest to Pakistan that its underbelly needs bothering about more than its jugular.

The manner in which the option would play out in Kashmir is in two steps. The first would be in the wrapping up of the militancy. Not only would Pakistani terrorists need to be wiped out but fresh infiltration stalled. This would entail a continuing of tactical aggression on the LoC. As indicated by the Chief of the Army Staff (COAS),<sup>8</sup> the options in the tradition of surgical strikes are mainly to retain the initiative and moral ascendancy. This may require up to two campaigning seasons on Kashmir before the conditions for a political outreach develop. In the interim, the separatists would require being kept pressured through undercutting their access to *hawala* funds and their funding of the stone-throwing agitationists. Eventually, the aim would be to drop a line from a position of unassailable strength to the by then much mellowed separatists. Their weightage in the outreach would be diluted by the presence at the table of the mainstream parties, civil society organisations, groupings of displaced Kashmiri Pandits and representatives of the other regions. This can play out over the balance of tenure of the forthcoming government, making for an incentive for the governments at both the Centre and state to stay the course and take credit for a return of normalcy. A nationalist narrative in the hinterland can keep up the support of the majority elsewhere.

**The hardline option entails wrapping of militancy, aggression on LoC and political outreach.**

### ***The Mixed Option***

The option is essentially more-of-the-same as thus far. This has involved a military prong of the strategy, an internal political and developmental prong and a diplomatic offensive. The military template has been in the policing of the LoC in multiple tiers and people-friendly operations in the hinterland. The political prong of the strategy has been in the holding of elections that have witnessed an alternation of political parties in power. The development efforts have been energised by projects in Jammu and Kashmir (J&K).<sup>9</sup> At the diplomatic level, the thrust has been in isolating Pakistan by using the leverage of India as a growing market compared to Pakistan being on the brink of a failed state status. India has succeeded in distancing the US from Pakistan and a strategy with a like end in respect of China is in the works. The repeated outreach to Pakistan has found little reciprocation, leading the government to rest its hand till Pakistan commits to its oft-repeated pledge of wrapping up support for terrorism.<sup>10</sup>

The outcome of the mixed strategy has been in a continuation of conflict management. This is only seemingly sub-optimal. Its advantage has been that neither has the internal security situation ever been out of control and nor has the external security situation deteriorated to war. There have been episodes of terror warranting conventional retribution, but the Indian grand strategy has privileged the economy in such cases. An ability through the cold start doctrine to keep the conflict non-nuclear continues as a deterrent threat that keeps Pakistan's hand in Kashmir in check.

This is a strategy India is familiar with. It may be left with little option than to continue with it in the case of a varied coalition coming to power in the coming elections. It is a low cost option, in line with India's war-avoidance strategy of restraint. It is aligned with the counter-insurgency theory predicated on the long haul. It is cognisant of the peace theory which calls for the creation and seizing of opportunities stemming from a "hurting stalemate" (for insurgents) and "ripe moments".<sup>11</sup>

### ***The Softline Option***

India has a major tradition in its strategic thought, the Asokan tradition, which can usefully be taken advantage of.<sup>12</sup> India's liberal democracy has the creative wellsprings that can envisage accommodationist solutions. India's Constitution is flexible and given the political will, it can provide the framework for political peace-making. There is a precedent of addressing India's ethnic problems politically, ranging from the Mizo accord and the Nagaland framework agreement.

Within Kashmir, there has been a plethora of initiatives waiting to be built on. These include the papers from the five working groups of the 2000s and the report of the three interlocutors.<sup>13</sup> *Out-of-the-box answers such as trifurcation of the state must figure on the talks menu.* The silver lining in the conflict, such as the largely secure conduct of the Amarnath Yatra, the progress of the tourist season and the residue of goodwill between the two Valley communities—Muslims and Pandits—need to be leveraged. Civil society groups and their activity provide a fertile ground for birthing and sustaining such an initiative.

Needless to add, there are issues that would come up as the peace initiative acquires traction. Talking to separatists would be inescapable. A recall of their meetings with the Prime Minister and Home Minister in the mid-2000s suggests this is not an outlandish proposition. Follow through would be dependent on security indices, for instance, a phased withdrawal of the Armed Forces Special Powers Act may be warranted as the talks head towards a climax. The usual sequencing of the peace processes—preliminary negotiations, negotiations, agreement, follow-up arrangements, reconciliation, peace-building, reintegration of militants—would need thinking through, be planned for, agreed on and implemented. *The end state would inevitably be the return of Kashmiri Pandits to the Valley with dignity, honour, security and full restitution.* The vexed human rights issue would require investing in an innovative truth telling, remorse expression, a forum for apology and a reconciliation framework, headed by spiritual and legal luminaries of national stature.

In respect of Pakistan, there is a robust precedence of engaging with that state, ranging from traditional diplomacy, high level summits, quiet diplomacy on the sidelines of meetings, personal initiatives, national security adviser engagement, meetings along the LoC, links between heads of military operations, and back channel talks. Given the political will, these can be taken to their logical end. The US is on board. China's transcontinental connectivity project also is advantaged and China can be coopted. The prospects of détente on the subcontinent can have beneficial portents for the Afghan settlement. There is a dormant regional organisation that can provide cover for the reaching out by both sides.

This is a viable pathway in either circumstance: of governmental continuity or change. In the case of continuity, a right wing government is usually taken as the best bet for taking hard decisions in the national interest. The government, having already proven the tough line, can afford to pass out some line to test waters. In the case of a change in government, the governmental policy may also be to seek a change in the Kashmir template to more of the peace process in its Kashmir

**Sub-conventional doctrines features kinetic phase to be capitalized by talks process.**

strategy, if only to distance itself from the predecessor. *The option can also be clubbed with the first, being the second phase of a hard line initially, followed up with a soft line, to be played out respectively over two governmental terms spanning the coming decade.*

### **The Peace Prong of the Strategy**

The proxy/hybrid war dimension implies that the peace prong of the strategy would have two pegs, one relevant to the mitigation of the proxy/hybrid war directed externally and the second being internal political, both hyphenated to the degree. A feature of the sub-conventional operations doctrine is that the kinetic phase is to be capitalised on by a talks process.<sup>14</sup> Negotiations are to advance the respective interests through joint action. A conflict analysis precedes such a process, identifying the positions, interests, needs and fears of the parties, setting the stage for a negotiations strategy, providing a sense of the viability, direction, pace, content, sequencing, negotiation footwork, ideas and the 'Best Alternative To Negotiated Agreement' (BATNA) of each party. It essentially identifies the interests at stake—procedural preferences, psychological needs and substantive outcomes—and a via media towards a win-win proposition for most.<sup>15</sup>

There are two options for the deal-making. The first is an introspective one in which India settles with its disaffected Kashmiris, and the second, a wider erstwhile J&K-wide process. The latter was on the plate in the mid-2000s in a version of the Musharraf formula, but is not considered here any further due to the limitation of space. It is posited here that an internal settlement is plausible and that Pakistan will fall in line as the process progresses, using the opportunity to claim credit for bringing India round to a political settlement. It can be tacitly offered the sop of an economic lifeline that it desperately needs, and will fall for. The Pakistan dimension may require to be progressed secretly initially, with a diplomatic face-saver designed to get Pakistan to fall in line. Operations would, of course, proceed against Pakistani mercenaries with a surrender-and-be-tried choice left to them.

A conflict analysis identifying the primary and subsidiary parties to the conflict would include the people, the political parties, the separatists, the internally displaced community—Kashmiri Pandits—and representatives of the other regional communities of Jammu, Ladakh and possibly Rajouri and Doda. The positions and underlying interests of each party would be outlined on each of the procedural and substantive issues at stake: political devolution, economic

development, legal and constitutional aspects, human rights, resettlement, surrender and amnesty policy, etc. Many creative options have already been conjured up by the interlocutors who have worked on this earlier. These will need evaluating against objective constitutional criteria of legitimacy, justice and equality so as to provide the lead negotiator a sense of the approaches. Workshops of the participants need being organised so as to empower each stakeholder and familiarise each with the procedures of the joint problem solving negotiations process.

The process itself will comprise preparatory proximity talks, opening statements, procedural guidelines and consensus on agenda and framing of issues, joint exploration and mutual appreciation of interests, collective option generation through presentation of proposals and counter-proposals and evaluation of options against objective criteria. The resulting time-bound agreement would require national support and parliamentary ballast, a supervisory mechanism and forum for tackling problems as they arise in the implementation phase. This would involve extensive perception management and transparency.

An initial challenge will be the identifying of a consensus and respect commanding lead negotiator and forming of a multi-agency support team. A joint ceasefire management mechanism would require to be operationalised as has been done in Nagaland. There is considerable depth to the Indian experience on all of this, not only in the series of negotiated suspension of operations agreements in the northeast, but also in Indians participating in peace processes in a United Nations setting.

## **Conclusion**

The strategy option adopted would derive from the grand strategy of the incoming government. The first option would be likely in case the strategic doctrine of the new government is in the realist tradition. The second option of business-as-usual would be likely in the case of a risk-averse coalition. The third option's likelihood increases in the case of a stable government, willing to profess a liberal doctrine. The peace prong of the strategy, as outlined, would require complementing all three options, increasing in weightage in the third, soft line, option.

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## Notes

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