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SPECIAL REPORT

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ABOUT THE REPORT

This report analyzes the possibilities and practicalities of managing the Kashmir conflict by “making borders irrelevant”—softening the Line of Control to allow the easy movement of people, goods, and services across it. The report draws on the results of a survey of stakeholders and public opinion on both sides of the Line of Control. The results of that survey, together with an initial draft of this report, were shown to a group of opinion makers in both countries (former bureaucrats and diplomats, members of the armed forces, academics, and members of the media), whose comments were valuable in refining the report’s conclusions.

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CONTENTS

Minds Set in Concrete	1
Changing Attitudes	2
A Flexible Impasse	3
The Potential Value of Making Borders Irrelevant	5
Steps toward Making Borders Irrelevant	6
Liberalization of the Travel Regime	11
Conclusions	13

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Making Borders Irrelevant in Kashmir

Summary

- Neither India nor Pakistan has been able to impose its preferred solution on the long-standing Kashmir conflict, and both sides have gradually shown more flexibility in their traditional positions on Kashmir, without officially abandoning them. This development has encouraged the consideration of new, creative approaches to the management of the conflict.
- The approach holding the most promise is a pragmatic one that would “make borders irrelevant”—softening borders to allow movement of people, goods, and services—instead of redefining or removing them. The governments of India and Pakistan have both repeatedly endorsed the concept, but steps to implement it have been limited.
- Myriad suggestions for putting this new mantra into practice have been made, from establishing more bus services to increasing trade and tourism across the Line of Control (LOC). While some of these suggestions still await official consideration, others are being examined, and some have already been implemented.
- Liberalization of the travel regime would be a major step toward enabling the two parts of Kashmir to develop a multifaceted and normal relationship. Such liberalization requires overcoming a mixture of political, bureaucratic, and regulatory challenges.
- A survey of opinion on both sides of the LOC reveals that the public mood in both countries favors peace, stability, and a softening of the LOC. The international climate is also propitious for confidence-building measures.
- It remains to be seen, however, if New Delhi and Islamabad can muster the political will necessary to overcome the resistance of key stakeholders within both countries’ bureaucracies and militaries.

Minds Set in Concrete

The strategic compulsions on the Kashmir issue that are currently impelling the ruling elites in India and Pakistan have encrusted over its sixty-one-year history and are now

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deeply embedded in their psyches. In India, the ruling elite is adamant that the princely state of Jammu and Kashmir (J&K), having acceded to India in October 1947, has become an inalienable part of Indian territory and that Pakistan must vacate the territory it illegally occupies. Hence, the only dialogue India needs to hold with Pakistan is a discussion about the return of occupied territory. Further, India refuses to accept any form of third-party intervention to resolve the Kashmir dispute. India argues that the UN resolutions on Kashmir passed in 1948 and 1949 envisaging the holding of a plebiscite in J&K have become obsolete with the passage of time, and that several elections held in J&K over the past six decades make it clear that the local population accepts the Indian government and has no desire to join Pakistan.

Pakistan rejects the Indian argument that the UN resolutions have become redundant. Indeed, Pakistan’s position on Kashmir has always been based on the strict implementation of the UN resolutions that call for holding a plebiscite in J&K to determine whether its people wish to join India or Pakistan.

Forgotten in this standoff are the Kashmiris living in J&K and Azad Jammu and Kashmir (AJK, the political entity on the Pakistani side of the LOC). In the past, the Kashmir dispute was viewed in purely bilateral terms and the aspirations of the Kashmiris were largely ignored, but there is now a growing appreciation of the fact that any solution to the Kashmir dispute must be acceptable to the local people. An additional complexity in J&K is the conviction among many people in two subregions of the state—Jammu and Ladakh—that the agenda for the peace process has been hijacked by the Muslims in the Kashmir Valley. Consequently, the Kashmir dispute becomes tri-cornered at two levels: India, Pakistan, and the Kashmiris on both sides of the LOC at one level; and the Valley, Jammu, and Ladakh at another level. The multifaceted nature of this conflict has complicated the quest to resolve it, requiring management of the regional, ethnic, and religious diversities in both parts of Kashmir.

Despite their repeated assertions of these conflicting claims and counterclaims, India and Pakistan have been unable to extend their respective claims across the LOC. Neither direct military action nor covert operations nor support for dissident movements has thus far succeeded. Each country, however, has invested too heavily in the struggle to accept the loss of its part of Kashmir, and both countries reject the idea of Kashmir becoming an independent state.

Changing Attitudes

The Kashmir dispute has reached an impasse. Unable to impose their preferred solution, both India and Pakistan have become flexible regarding their traditional positions on Kashmir, without officially abandoning them. Subtle changes in their positions have stimulated creative ideas for managing the conflict. Several developments have contributed to this attitudinal shift, among them the end of the Cold War, the disintegration of the Soviet Union and the current resurgence of Russia, the rise of China and its support for the peace process between India and Pakistan, the spread of globalization and its implications for international security, internal economic pressures, the nuclear tests conducted by India and Pakistan in May 1998 that consolidated a nuclear deterrent relationship, and the U.S. global response to the attacks of September 11, 2001.

The last two of these developments have led India and Pakistan to realize that a military victory over the other is not possible. The acquisition of nuclear weapons has highlighted the grave risks of trying to alter the status quo by military means, as illustrated during the Kargil conflict of 1999 and the 2001–02 border confrontation. During the Kargil conflict neither country could extend its theater of operations because of fears that the conflict might become nuclearized. For similar reasons, India was deterred from attacking Pakistan during the border confrontation in 2001–02. Pakistan has also realized the dangerous implications of supporting militancy; it was Pakistani-backed militants

who attacked the Indian Parliament on December 13, 2001, triggering the border confrontation. Pakistan's readiness to support militancy has also diminished since Pakistan itself has become the target of Islamic jihadists and has experienced terrorist attacks throughout the country.

The U.S. global war on terrorism has also increased the cost for Pakistan of indulging in provocative behavior. The terrorist attacks in New York and Washington, D.C., on September 11, 2001, created a global consensus for controlling transnational terrorism, especially Islamic militants and jihadi groups. Pakistan has since found it difficult to support the jihadi Islamic groups in J&K. Furthermore, the passage of a 2007 law in the United States has linked American military and economic assistance to Pakistan to its performance in stopping cross-border terrorism. The United States has now established a physical presence in Pakistan to pursue its "war on terror" in Afghanistan, which inhibits hostilities being initiated by either India or Pakistan. Any attempt by either country to improve its ground situation in Kashmir would be frowned upon by the international community and might prompt economic repercussions, as occurred during the 2001–02 border confrontation crisis when "travel advisories" were issued by the United States and several other developed countries, discouraging their citizens from visiting India.

Given that a major conventional conflict is dangerous, a nuclear conflict is unthinkable, and any forcible alteration of status quo would be unacceptable to the international community, both India and Pakistan have realized that they have no alternative but to enter into a peace process. India has discarded its traditional stand that the whole of Kashmir belongs to India and has shown signs of departing from its stated policy of negotiating with Pakistan only after cross-border terrorism ceases. Further, India's long-standing policy of shunning international mediation and insisting on strict bilateralism in its dealings with Pakistan has been diluted considerably. On Pakistan's part, former President Pervez Musharraf abandoned his country's traditional position of insisting on implementing the UN resolutions on Kashmir. The new government in Pakistan has declared that it wishes to take the peace process forward. Indeed, Asif Zardari, cochairman of the Pakistan People's Party, even suggested freezing the Kashmir issue, although he later had to backtrack on that proposal.

This transformation in India-Pakistan relations can be traced back to Prime Minister Atal Bihari Vajpayee's statement in the symbolically significant venue of Srinagar—the summer capital of J&K—on April 18, 2003, extending a "hand of friendship" to Pakistan.¹ A cease-fire along the LOC was suggested by Pakistan's prime minister, Zafarullah Khan Jamali, in November 2003. India accepted his offer and suggested its extension to Siachen, an undemarcated region north of but adjacent to the LOC. On November 26, the cease-fire went into effect, greatly improving the safety of people living along the border. The resulting peace process, though slow, has made steady progress, with significant improvements occurring in cross-border communications and the movement of people and goods.

A Flexible Impasse

The peace process and changing attitudes have produced greater transparency in negotiations for a solution to the Kashmir problem. There is a new realization that peace and stability are essential for both countries to attain their full political and economic stature and that, conversely, tensions and instabilities will retard their growth, resulting in their internal security situation deteriorating and spilling across borders.

Both countries agree that independence for Kashmir is not an acceptable option, although they also agree that the Kashmiris should be included within the peace process and assured a measure of self-rule within the present borders of the two countries, and that these borders should be made more permeable. Appreciation has grown of the role that multiple dialogues can play in animating the peace process and of the need to reach

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an agreement on the Kashmir dispute that is acceptable to India, Pakistan, and the Kashmiris. These negotiations must address the differences between New Delhi and Islamabad, New Delhi and Srinagar, Islamabad and Muzaffarabad (the capital of AJK), and, finally, Srinagar and Muzaffarabad. Both India and Pakistan have a greater sympathy now toward the human dimensions of the issue. A new recognition has also accrued about permitting freer movement of people across the LOC, including members of the media and political leaders from both sides.

As part of this study, a survey was conducted on both sides of the LOC to elicit the opinions of various interested groups—including businessmen, members of the media, academics, former government servants, and the public at large—regarding their attitudes toward the peace process, their understanding of the concept of “making borders irrelevant,” and their thoughts on what could be done to advance that process. On the Indian side, the survey was conducted in the summer and the fall of 2007 in twelve towns in J&K, with twenty-five respondents in each town being chosen at random from among the local population. Budgetary and time constraints dictated a smaller sample in Pakistan, where the survey was conducted in the districts of Mirpur, Muzaffarabad, and Rawalakot in AJK among some fifty respondents, including local people, refugees (post-Partition and immigrants after 1990), members of divided families, and those living close to the LOC.

Similar questions were asked on both sides of the border by interviewers who had no contact with one another. Remarkably, the answers obtained were very similar. The most significant finding is that the public mood among Kashmiris on both sides of the border favors peace and stability. Reflective of a widespread fatigue with mutual tensions and persistent instabilities—and of cynicism regarding officially inspired negative propaganda—there is a popular desire to normalize relations. This sentiment has manifested itself in the public’s level of enthusiasm for visiting the other country. Tourist traffic, as well as other kinds of traffic, across the border is growing rapidly, and would dramatically increase if the visa regime was made less restrictive and travel schedules were made less onerous.

A plethora of Track-II initiatives have strengthened the official peace process. Regular meetings between officials involved in the Track-I process have also created an atmosphere favorable to normalizing bilateral relations. Thanks in part to back-channel diplomacy conducted by interlocutors designated by both countries, a serious commitment to the peace process can now be found at the very highest political levels in both Pakistan and India, despite some reservations within their bureaucracies.

At the same time, any resolution of the Kashmir dispute will have to acknowledge and overcome a number of serious constraints on the peacemaking process. Easily recognizable constituencies in India and Pakistan have a vested interest in continuing the Kashmir dispute, seeing dangers to their personal and institutional interests should the dispute be resolved. For instance, elements within both countries’ civil and military bureaucracies, especially within their intelligence agencies, know that their centrality in the decision-making process would diminish if Kashmir dropped off the national security agenda. In addition, large sections of the strategic elite (made up of serving and retired civilian and military officials, intelligence officers, concerned media persons, academics, and politicians with special interests in security matters) argue that the time is not yet ripe for the peace process to proceed fruitfully. Their negative belief is sustained by the parlous state of domestic politics in India and Pakistan, which constitutes the greatest challenge to peacemaking. Any individual or party pleading for a deepening of the peace process is likely to be attacked for “selling out” the national interest. In India, fundamentalist and hard-line Hindu groups and right-wing parties are opposed to any political accommodation with Pakistan and to any flexibility in India’s traditional position on Kashmir. A similar situation exists in Pakistan, where hard-line Islamic parties, militant Islamic groups, and major right-wing political groups are critical of the peace process and want the government to revert to its earlier insistence on implementing the UN resolutions on Kashmir.

Easily recognizable constituencies in India and Pakistan have a vested interest in continuing the Kashmir dispute.

Any discussion of the options for addressing the Kashmir dispute must appreciate the importance Kashmiris place on preserving their Kashmiri identity and Kashmiriyat-based culture, which is an amalgam of a distinct language (Kashmiri), a secular polity, and a cross-cultural character that includes elements of Islam, Buddhism, and Hinduism. Kashmiriyat has greatly eroded over the last three decades due to increased Islamic orthodoxy and militancy. The human aspects of the Kashmir dispute must also be factored into devising any solution to this problem. Most people in the Kashmir Valley (83 percent according to the survey conducted) support the peace process as a good beginning, but are skeptical about its outcome, believing that the peace process is meaningless if it remains bilateral and excludes them.

These various constraints have stymied the adoption of a number of possible solutions to the Kashmir dispute. The governments of India and Pakistan, academics, and others interested in the welfare of the people of Kashmir have explored options ranging from total or partial independence to autonomy, referendum, partition, and even the maintenance of the status quo. None of these comprehensive solutions has been supported by any consensus of public opinion, which strengthens the case for reducing tensions by measures that both sides can accept—measures such as making the existing borders permeable and irrelevant.

The Potential Value of Making Borders Irrelevant

The strategy of making borders irrelevant by “softening” borders is a compromise between the elimination of the LOC and its conversion into an international border. Under this approach, the LOC would be retained as a dividing line but softened by allowing the easy movement of people, goods, and services across it. Important steps were taken by India and Pakistan in 2005 and 2006 to effect this cross-LOC interaction, and these steps could be expanded to enable the parties to manage the Kashmir conflict without having to agree to a final settlement.

These steps would address the major concerns of the parties involved and would be in accordance with the basic policy parameters laid down by the two countries. The Indian government has repeatedly argued that borders cannot be changed, while Pakistan refuses to accept the LOC as an international border. The softening of the LOC would thus satisfy Indian demands that there be no territorial exchange and no legal alteration of the border. Another advantage from the Indian government’s perspective is that making the LOC irrelevant skirts the dangers of encouraging other states in the Indian Union to demand greater autonomy or self-rule. Were Kashmir to be granted greater autonomy or self-rule, similar demands could be voiced by other states in the Union, which would need to be conceded on grounds of equity. The Union government has been wary of loosening its political, economic, and administrative control over the states and altering the balance of power within India’s federal structure, lest it release centrifugal forces in the country.

In Pakistan, any solution premised on the permanent division of Kashmir is anathema to the military, as well as to the major political parties. Therefore, the Pakistani government and the military are unwilling to accept any solution that converts the LOC into an international border. However, conscious that neither India nor Pakistan can gain control over the whole of Kashmir by either war or diplomacy, Pakistani officials favor the idea of making the LOC irrelevant. Incidentally, no group in Pakistan opposed the launching in 2005 of the Muzaffarabad-Srinagar bus service (discussed below), and similar steps would be acceptable to the Pakistani government, which is already seeking to build support for a “pragmatic” solution to the Kashmir dispute. On August 15, 2007, Pakistan’s foreign minister, Khurshid Mahmood Kasuri, said in an interview that any solution to the Kashmir problem cannot be “ideal” for the concerned parties, but that both parties will have to make concessions to resolve the problem. He added,

The LOC would be retained as a dividing line but softened by allowing the easy movement of people, goods, and services across it.

“Ultimately a solution to Kashmir will be one that is not the best perceived either by a majority of Indians, a majority of Pakistanis or a majority of Kashmiris.”²

Within Kashmir itself, the proposal to make borders irrelevant means different things to different people. Some understand it to mean that different parts of Kashmir will be united, other interpret it to mean that they will be allowed to travel and trade freely, and still others believe that making borders irrelevant will permit greater cultural exchanges. These differences in understanding are not important to a resolution of the Kashmir problem. What is significant is that the proposal accommodates the immense ethnopolitical diversity and incipient fissiparous trends within the region.

The value of peace has been underlined since the devastating earthquake of October 2005; as Kashmiris have come to realize, if efforts to rehabilitate and reconstruct the damaged areas are to proceed smoothly, peace needs to prevail. More generally, most Kashmiris believe that increased movement across the LOC would not only bring relief to divided families but would also revive the area’s economy and help people in the two parts of Kashmir to understand one another and evolve a common position on a possible solution to the dispute. The Kashmiri intelligentsia remains convinced, however, that neither India nor Pakistan will ever agree to the unification of the state except on its own terms (terms that the other country will inevitably reject) and that the idea of making borders irrelevant is thus the best available option.

According to the survey, most Kashmiris believe that “vested interests” (i.e., the armed forces and intelligence organizations) oppose the idea of making borders irrelevant because they will lose their relevance and budgets if the peace process succeeds. The Union government and the J&K government are also seen as stumbling blocks, being slow to make decisions and insincere in their commitment to the peace process. A small section of the public believes that free and increased movement across the LOC would generate new and unpredictable dynamics with the potential to embarrass both national governments, and might even lead to the development of a new Kashmiri consciousness, which would be unwelcome to Islamabad and New Delhi.

Several constituencies in Kashmir have a vital interest in seeing the borders between the two Kashmirs reopened. The most numerous of these groups are the divided families, especially poor families, who, when the border remained closed, had to travel long distances by circuitous routes to meet their relatives. Conversations with local people suggest that divided families constitute more than 60 percent of the total population in AJK. Although they do not have any influence over the policies of their respective governments, divided families do enjoy widespread support within civil society at regional and national levels.

The strongest support for the idea of soft borders is found within the business communities, in particular within the manufacturing, horticultural, and tourism industries throughout Kashmir. The business community believes that movement of goods across a divided territory is a natural corollary to the movement of divided families.

If trans-LOC arrangements are negotiated to the satisfaction of the two countries and offer tangible benefits to people in both parts of Kashmir, these measures will gain popular support. Much depends on what arrangements are negotiated and how swiftly they are implemented.

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Steps toward Making Borders Irrelevant

A wide range of measures have been proposed to promote interactions across the LOC and enable the two parts of Kashmir to develop a multifaceted relationship. Some of these measures are already being implemented. Others are in various stages of negotiation or implementation. Still others remain just proposals for now, being seen as impractical or too far-reaching by one or both governments. In essence, they all emphasize a people-oriented approach while highlighting the need for freer movement of people and trade

across both sides of Kashmir, instead of continuing the quest for an elusive territorial solution to the Kashmir problem.

Measures with the potential to make borders irrelevant can be classified into four broad categories:

- promoting people-to-people contact
- increasing trade and commerce across the LOC
- encouraging humanitarian aid and development
- improving governance, including security administration

Each of these four categories is discussed below. In each case, the discussion covers steps already taken, steps proposed, difficulties in implementing specific measures, and possible solutions to those difficulties. Thereafter, this report takes an in-depth look at one particular measure, liberalization of the travel regime—an issue critical to both cross-border, people-to-people contacts and trade—and explores the regulatory, bureaucratic, and political changes that need to be made to allow liberalization to proceed.

People-to-People Contact

People-to-people contact can be enhanced by facilitating cross-border mobility and by creating and strengthening civil society linkages.

Facilitating Cross-Border Mobility

Crossing Points: India and Pakistan decided to ease interaction across the LOC after the earthquake in Kashmir on October 8, 2005; the AJK part was hit very hard, and several districts in the Northwest Frontier Province were also affected. On October 29 the two countries agreed to open five new crossings on the LOC to expedite relief operations and reunite divided families. These five foot-crossings were Nauseri-Tithwal, Chokothi-Uri, Hajipur-Uri, Rawalakot-Poonch, and Tattapani-Mendhar. When the first crossing point, Rawalakot-Poonch, was opened on November 7 to allow the exchange of earthquake relief goods, several hundred Kashmiris on the Pakistani side surged toward the LOC in their eagerness, saying they wanted to go to the other side to meet their relations, although they had not completed the necessary travel formalities and had to be restrained by force.

Bus Services: The most significant step toward increasing cross-border mobility has been the reestablishment of bus services between J&K and AJK. In April 2005, the Srinagar-Muzaffarabad road was opened and the bus service along it (which had been suspended since 1965) restored. This service was disrupted by damage to the road caused by the October 2005 earthquake, but after some months the service was restored. In January 2006, India and Pakistan agreed to start another bus service, linking Poonch and Rawalakot. Official Indian statistics show that almost three thousand passengers traveled on the Srinagar-Muzaffarabad bus service between April 2005 and the end of 2006. The Poonch-Rawalakot bus service, which started in June 2006, carried fourteen hundred in the second half of 2006.³

The two bus services are very important confidence-building measures. However, passengers have to go through a cumbersome procedure to get permission from both governments to cross the LOC, which discourages many people from traveling. The federal intelligence agencies need to verify visa applications, which leads to delays. Furthermore, only those applicants with close relatives on the other side are allowed to travel. There is also an absolute prohibition on officials from Pakistan traveling across the border into J&K. Consequently, only a limited number of people from both sides have benefited from the new bus services.

The most significant step toward increasing cross-border mobility has been the reestablishment of bus services.

Demands for simplifying the visa procedures (for instance, by letting the local state governments handle the granting of visas) have not yet been accepted by the two national governments.

Road Links: Calls have come from several quarters for more roads to be opened and more bus services established across the LOC. In its report issued in January 2007, the Working Group on Strengthening Relations across the Line of Control (established in May 2006 by New Delhi as one of five working groups tasked with exploring particular issues relating to J&K) identifies seven roads that could be opened to cross-border traffic: Kargil-Skardu, Jammu-Sialkot, Turtuk-Khapulu, Chamb-Jaurian-Mirpur, Gurez-Astore-Gilgit, Tithwal-Chilhan, and Jhangar (Nowshera)-Mirpur-Kotli.⁴ “Kashmir: Present Situation and Future Prospects,” the 2007 report by Baroness Emma Nicholson, the European Union’s rapporteur on Kashmir, draws attention to the value of linking Ladakh with the Northern Areas in Pakistan, a step that could erode the aspirations for separatism in this subregion.⁵ A more radical suggestion is to open the Karakoram highway to trade and travel from the Ladakh region in J&K. Several of these new road openings are being negotiated by the two governments. The roads do not presently carry enough traffic to make commercial bus services viable, but their opening would allow people to move across the LOC by private transport and might eventually generate enough traffic to permit commercial bus services.

Proposals to improve cross-LOC travel have been criticized on the grounds that the number of travelers along the Srinagar-Muzaffarabad road has dwindled considerably since it was opened in April 2005. While it is true that the initial enthusiasm to use the road has declined, it should be noted that some travelers now prefer to take the subsequently opened Poonch-Rawalakot road. Moreover, the symbolic significance—indeed mystique—of the Srinagar-Muzaffarabad road should not be underplayed. Its opening initiated the process of restoring communications between AJK and J&K. It has given concrete shape to the “peace dividend,” which has influenced other aspects of India-Pakistan relations. It has also created a psychological sense of space in the Valley, because travel from the Valley to other parts of J&K is seriously limited by the unavailability of roads and adverse weather conditions for much of the year.

Pilgrimage Routes: A radical suggestion has been made to open the Leh-Xinjiang road across the LOC, which would provide an alternative route for the Kailash-Mansarovar *yatra* (pilgrimage) undertaken by Hindus from India to Tibet. This idea highlights the possibility of cross-LOC traffic being extended not just to major cities in India and Pakistan but also to Afghanistan, Central Asia, and Tibet, thereby restoring the freedom of travel that prevailed before Partition and had existed since historical times.

Rail Links: The establishment of rail links between Jammu and Sialkot, and between Srinagar and Muzaffarabad (and from there onward to Abbotabad and Rawalpindi), would be welcomed by people on both sides of the LOC and give a great impetus to the peace process.

Creating and Strengthening Civil Society Linkages

Contacts between Interest Groups: Contacts between special interest and professional groups need to be encouraged so that Kashmiris can participate in the search for peace. The Working Group Report has recommended exchanges between students and faculty from universities on both sides of the LOC, as well as exchanges of journalists and lawyers. Other groups that could profit from exchanges include professional groups concerned with public health and disaster management.

Joint University: A multicampus university could be established that straddles the LOC. Initially, two campuses could be situated in Muzaffarabad and Srinagar, with other campuses established subsequently in other cities on both sides of the LOC. This would facilitate the exchange of teachers and students. According to the survey conducted for this study, the academic community strongly supports cross-border schooling and employment initiatives.

Telephonic Communications: The restoration of telephone landlines that were cut in 1965 and an expansion of mobile telephone services across the LOC should be considered. People in J&K are not allowed to make direct telephone calls across the LOC—yet this prohibition makes little sense, for calls can of course be made via mobile phones and satellite-linked communications. The government of India is reconsidering this ban but the Indian security forces want to maintain it, purportedly to impede cross-border terrorism.

Electronic Communications: Enhanced access to the Internet on both sides of the LOC would greatly stimulate contact between people on both sides of the border, allowing them to exchange e-mail, post and respond to blogs, and stay abreast of developing news stories. Internet access would also allow journalists for electronic and print media to develop closer cross-border contacts with one another. Television programs broadcast from one side of the LOC can usually be watched on the other side, and some attract large audiences, reflecting the common culture of the people on both sides of the LOC.

Trade and Commerce

Trade between the two parts of Kashmir is only a fraction of what it could be if both tariff and nontariff barriers were removed. Currently, the bulk of trade between India and Pakistan occurs via third-party transfers and smuggling, leading to corruption and the loss of customs revenue. The reestablishment of pre-Partition patterns of trade and commerce, especially between the two parts of Kashmir, would greatly assist the improvement of mutual relations. It would also spur economic recovery from the October earthquake, and could help to reduce militancy, which is largely fueled by unemployment.

Horticultural products, handicraft items, and dry fruits are the goods that were traditionally exported from J&K to markets in Pakistan's Punjab province. Some newer and nontraditional items, such as cement and construction materials, are available at cheaper prices in J&K and would find a strong market in AJK, where reconstruction efforts after the 2005 earthquake are still under way. Open and free trade between J&K and AJK would greatly benefit people on both sides of the LOC, especially the business and trading community in Pakistan border districts such as Sialkot and Gujrat. At present, large-scale trade in world-famous Kashmiri products such as shawls, wood carvings, carpets, and embroidery is being conducted illegally, through third-country sources and smuggling.

The respondents to our survey, while strongly advocating the case for trade, were keen to point out the comparative advantage of establishing direct trade links between J&K and Pakistan through AJK. They argue that a truck takes about thirty-six hours to reach Delhi from Srinagar but only eight to ten hours to reach Islamabad, and thus Islamabad offers a very attractive market for Kashmiri products.

One must be careful not to exaggerate the prospects for cross-border trade. Hopes of creating a substantial demand for Kashmiri products will be realized only if road communications are extended deeper into India and Pakistan. One truckload of apples from the Kashmir Valley, for instance, could flood the markets in Muzaffarabad for a week; hence the apple trade in the Valley can flourish only if it is allowed to exploit the lucrative markets located farther within Pakistan.

In March 2008, Jairam Ramesh, the Union minister for commerce in India, announced that cross-LOC trade would begin in ninety days. The issue was discussed by the foreign secretaries of India and Pakistan in May 2008, and a decision in principle was taken to proceed further; however, technical issues regarding the kinds and amounts of goods to be traded remain to be negotiated.

Border Trade and Inspections: The possibility of border trade being permitted at the five crossing points opened for earthquake relief is worth exploring for the convenience of people living on both sides of the LOC. The roads that lead to these crossing points could be upgraded to permit truck traffic, assuming that such traffic is found to be commercially viable and official fears about smuggling can be overcome. Administrative arrangements for unloading and checking goods at border posts need improvement. The possibility of

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One way to encourage cross-border trade and commerce would be to waive customs duties for several years, thereby creating a free trade area in Kashmir.

identified goods (i.e., goods positively identified by the Indian and Pakistani governments for trade between the two countries) going directly to their ultimate destinations, rather than navigating a web of inhibiting regulations and procedures, merits consideration.

Bilateral Trade Promotion: The Working Group Report recommends the establishment of a Joint Consultative Machinery, comprising officials and representatives of commerce and industry from both sides, to promote bilateral trade. Baroness Nicholson's report also stresses the need "to move rapidly to significant volumes of official trade, apart from working out the modalities of road freight," and suggests the "establishment of an integrated market development plan, with several agri-processing units, cold chains, small-size container services and bonded trucking services" on both sides of the LOC.⁶

Bilateral trade would also be spurred if both countries could agree to establish product-specific trading houses and to open branches of commercial banks on both sides of the LOC. At present, however, this idea has yet to be considered by the two governments. One way to encourage cross-border trade and commerce would be to waive customs duties for several years, thereby creating a free trade area in Kashmir.

River Transport: The traditional export route for timber from the Valley before Partition was the Jhelum River, which flows into Pakistan. The possibilities of riverine transportation should be looked at afresh. Cross-LOC cooperation in this area might prove productive, though the river would need considerable de-silting before it could once again carry significant traffic.

Tourism: A radical idea for promoting tourism is to enable people to visit Buddhist historical and religious sites in Ladakh, Baltistan, and the Federally Administered Tribal Areas region.

Humanitarian Aid and Development

In the process of making borders irrelevant, a variety of humanitarian measures and steps to promote development could prove helpful.

Medical Treatment: Much goodwill could be engendered, as well as much practical help given to people who need it, by allowing people who live on one side of the LOC to receive emergency treatment in hospitals on the other side. Similarly, patients with particular ailments could also be permitted to cross the LOC to visit hospitals that specialize in the treatment of those ailments.

Demining: A joint effort could be mounted to locate and remove landmines that have been planted on both sides of the LOC over the years and that take a steady toll of farmers, herders, and livestock.

Disaster Management: The two Kashmirs could routinely share information on weather conditions, seismic activity, and flow of water in rivers—information that could help to generate early warnings of floods and other natural disasters. Such cooperation could evolve into a long-term process of monitoring and researching the retreat of glaciers, the incidence of earthquakes, and other environmental concerns.

Forest Management: Forest wealth is the common heritage of Kashmir. Cooperation in joint management of forests that lie across the LOC is essential to halt the large-scale illegal felling of trees that takes place with the connivance of civilian officials and security forces. Such cooperation would also enable environmental protection of the delicate ecosystems in Siachen, Saltoro, and other glacier regions.

Hydropower and Irrigation: Several projects to share hydropower generated on both sides of the LOC are currently mired in bilateral negotiations whose glacial pace reflects the parlous state of India-Pakistan relations but squanders Kashmir's economic and developmental promise. The linking of electrical grids would be a major step forward in the process of making the LOC irrelevant. So, too, would mutually beneficial irrigation projects that use the waters of the Indus. The much-praised Indus Waters Treaty is in reality a suboptimal arrangement, because it only partitions the rivers of the Indus River basin between India and Pakistan and does not address their joint exploitation. A holis-

tic scheme for interlinking these rivers, developing riverine transport, establishing joint irrigation and power-generation projects, creating new agricultural markets, and extending roads and communications could lead to a comprehensive economic restructuring of the entire river basin. In the meantime, the Himalayan glaciers (the source for the rivers in the Indus basin) continue to retreat, underlining the fact that water resources could become a survival issue for the population in India and Pakistan in the coming years.

Governance

Just as there are many opportunities to promote people-to-people contact, so there is wide scope for enhanced coordination between local government and official institutions, especially regarding public administration, on both sides of the LOC.

Local Government Consultations: The Working Group Report suggests establishing a Joint India-Pakistan Parliamentary Committee to foster greater parliamentary exchanges and address issues of common interest in Kashmir. For instance, joint local government working parties could explore trade and tourism issues.

Combating Terrorism: A Joint Mechanism on Terrorism met for the first time in March 2007. Its Indian and Pakistani members agreed to exchange specific information to help investigations and prevent violence and terrorism in both countries. In a meeting in June 2008, fresh information was shared by the two countries, and it was agreed that they would “continue to work to identify counter-terrorism measures [and] assist in investigations through exchange of specific information for preventing violence and terrorist acts.”⁷ Many skeptics predict an early demise for this initiative, but at present the usefulness and longevity of the Joint Mechanism on Terrorism are both difficult to predict.

Military-Military Programs: Given that the militaries in India and Pakistan play important political roles and maintain a large presence in the area of the LOC, measures to promote friendly contact between the two militaries would greatly improve the atmosphere. Exchanges of military bands, the staging of sporting events involving military personnel from both countries, and similar measures merit exploration.

Liberalization of the Travel Regime

A close look at one particular aspect of softening the LOC—liberalizing the travel regime—shows the kind of opportunities that exist for pragmatic reforms. Most of these reforms would be modest and piecemeal, but their cumulative impact could be very significant.

The Srinagar-Muzaffarabad bus service, resumed in April 2005, has continued to ply between the two cities despite threats from militants. There is near-unanimous support for the bus service. Many respondents to our survey, especially local journalists who also work for foreign agencies such as Voice of America and the BBC, commented that the bus service between Muzaffarabad and Srinagar has done more than any other measure to change the mindset of people in AJK. The opening of additional crossing points has built upon this positive development. One respondent, who traveled by the first Srinagar-Muzaffarabad bus, which took a very circuitous route, told the interviewer that the opening of the Tertiary Note crossing point had reduced his journey from Muzaffarabad to his village in J&K from about nine hundred miles to just over one hundred. There is a strong demand among the local population for the opening of more crossing points.

However, several problems need to be addressed if the bus service is to be made really effective. After the earthquake in October 2005, the two governments had decided to open five more crossing points, but only three were inaugurated and, as of August 2008, only two are functional. For example, the crossing point at Tata Pani (in the Poonch-Kotli sector) is officially open, but no visitor has used this crossing point during the last seven months.

The limited number of crossing points is not the only impediment to cross-border travel, nor indeed the primary one. Instead, the administrative and security protocols governing travel across the LOC are largely responsible for limiting movement. The number of passengers traveling on buses remains very low chiefly because of the stringent conditions imposed by Pakistan and India on visitors wishing to obtain travel documents.

In the first place, only members of divided families are permitted to travel. Even among such families, only those having near relatives (i.e., parents or children) on the other side of the LOC are issued travel documents. Visits to more distantly related kin are not allowed. Second, the processing of the applications takes an extraordinarily long time because of highly complex procedures, including close scrutiny by security and intelligence agencies on both sides of the LOC. Many applicants are refused permission. For example, between April 7, 2005, and August 30, 2007, the government of AJK sent a total of 4,114 applications to the government of J&K for clearance to travel to Srinagar through the Chokothi-Uri crossing point, but only 1,254 were approved. Similarly, the government of AJK received a total number of 3,938 applications from the government of J&K for permission to visit AJK using the same bus route, but only 1,070 passengers arrived from Srinagar in AJK. During this period, 6,558 applications were sent to the security agencies for clearance, but travel documents were issued in only 4,114 cases.

The restrictions on travel and the cumbersome and slow-moving application process have dampened Kashmiris' enthusiasm for traveling. If that enthusiasm is to be rekindled, the following pragmatic steps need to be taken.

Expand Eligibility: Eligibility to travel should be extended to other categories of travelers such as tourists, persons requiring medical treatment, traders, and even dissident political leaders. As noted earlier, Pakistani government officials are totally prohibited from traveling across the LOC, which conveys a strongly negative message to the local population. Members of Kashmiri families who crossed the LOC from J&K to AJK after the militancy accelerated in the 1990s should—after due scrutiny—also be allowed to visit their relatives or move back to India.

Simplify Permit Procedures: One way to simplify and shorten the process of obtaining travel documentation would be to institute a visa system, with each traveler being issued a visa at the border upon production of satisfactory proof of identity and residence. Another alternative would be to institute a system in which any application not decided within a certain amount of time would be deemed to be approved.

Many respondents suggested that the power to issue travel permits should be delegated to the respective state governments and local officials (see below). However, this idea—like the ideas advanced above—will be accepted only if political relations between India and Pakistan improve to the extent that some degree of mutual trust develops.

Simplify Application Requirements: Applicants for a travel permit must submit multiple copies of several documents. This procedure is so complex and time consuming that most respondents think it is easier to travel on passports.

Many respondents proposed restoring the procedure used during the 1950s, when proof of state domicile was considered sufficient for issuing travel permits. There was no categorization of applicants, and anybody could cross the LOC (then the Cease-fire Line) to visit close relatives. Other respondents suggested that a local Kashmiri document should be issued to all Kashmiris, and that this document should be sufficient to enable its holder to cross from one side of the border to the other. A small number of respondents also suggested that J&K residents be given dual citizenship, which would enable them to visit the other side without any special travel documents.

Liberalize Permit Characteristics: Granting longer-term, multiple-entry permits to traders and businessmen, while exempting them from the obligation to report to the police after entering India or Pakistan, would greatly facilitate trade and commerce across the LOC. Issuing group visas to traders, tourists, and cultural delegations would ease the burden on both sides' bureaucracies. A scheme for issuing travel documents on a priority basis in emergency cases (e.g., for medical reasons or in case of family emergencies) should be instituted on humanitarian grounds.

Localize Permit Processing: Permits normally take three to four months to be processed, because each case has to be cleared by the intelligence and security agencies of the two countries. In some cases, the process can stretch on beyond a year. Such delays and the prospect of intrusive investigations by the intelligence agencies discourage many eligible people from applying.

Respondents said they resented this system and wanted the procedure entrusted to the state authorities, which could handle cases much more quickly. If the state governments were to take charge, they would be able to work directly with one another, which would promote greater understanding and trust between the two parts of Kashmir. These working relationships between the administrations in AJK and J&K could become the basis for cooperation in trade and commerce, and could evolve further into joint efforts to maintain security and combat sabotage and terrorism.

Some respondents to the survey said that they would prefer a system in which visas are issued by local police at border posts, as opposed to the current system of lengthy and elaborate visa applications that are decided by the militaries on both sides.

Conclusions

The conflict in Kashmir is complex and multifaceted. As Praveen Swami, an Indian journalist, has noted, "What we call the Kashmir problem is in fact several problems, for which Jammu and Kashmir is only a stage. Among other things, the problem involves irreconcilable ideas about the basis of nationhood, a crisis of religious and ethnic identity, and the still-far-from-spent forces that led to the partition of India. For jihadi groups and their supporters in Pakistan's establishment, the war in Kashmir is merely part of an even-larger war, one between Islam and unbelief."⁸ If Kashmir is to stop being an arena within which these larger battles are fought, the suspicions and tensions that exist within and between the various parts of Kashmir must be addressed and the voice of the Kashmiris on both sides of the LOC must be heard and accorded due weight. As all sides are coming to recognize, the present borders cannot be changed, but they can be made more porous, and a larger measure of self-governance devolved to J&K and AJK.

This report has offered a wide range of recommendations for softening the LOC that presently divides Kashmir. It is important, however, to prioritize these recommendations and to first pursue those short-term measures that have a prospect of immediate success, such as a relaxation in travel arrangements. An incremental approach must be adopted, one that dovetails the introduction of individual measures into the larger process of confidence building between the two countries. A series of initial successes would give momentum to the peace process and set the stage for longer-term measures, such as cross-border development projects. The emphasis has to be on implementing decisions taken, rather than on adding to these decisions.

No steps, whether short term or long term, can be taken until the tensions between India and Pakistan erode. This will not happen suddenly. The reality is that India-Pakistan relations cannot be dramatically improved over the short run, nor can all their outstanding problems be resolved quickly. Unrealistic expectations that progress in making borders irrelevant in Kashmir will be swift and that India-Pakistan relations will rapidly improve could lead to frustrations. Moreover, the task of making borders irrelevant in Kashmir cannot be considered in isolation from ongoing efforts to do the same thing elsewhere along the international border between India and Pakistan (for instance, road and rail links are being reestablished in the Rajasthan area).

Yet while the glacial progress of the peace process to date has disheartened even inveterate optimists, there is reason to believe that a brighter future is within reach. In the first place, the process could certainly be accelerated if the leaderships of the two countries were to summon the necessary political will. In the second place, as noted earlier in this report, the belief has seeped into the governing elites of both India and

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Despite the domestic problems confronting Pakistan, the dialogue aimed at improving India-Pakistan relations and resolving the Kashmir problem has continued.

Pakistan that the Kashmir issue can be resolved only by negotiation, not by armed conflict and not by the use of insurgents.

Despite the domestic problems confronting Pakistan since elections in March 2008 brought an uneasy coalition into power, the dialogue aimed at improving India-Pakistan relations and resolving the Kashmir problem has continued on track, including efforts to improve relations across the LOC. The top brass of the Pakistan Army, who will continue to shape Pakistan policy toward Kashmir and India, seem to have realized that the normalization of relations with India is in their own interests. More specifically, the Pakistan Army needs to stabilize the deteriorating situation in the tribal areas along the Pakistan-Afghanistan border; if it were to revive its usual confrontation with India, it would get caught in a two-front conflict. The major opposition parties in Pakistan, except for some Islamic fundamentalist groups, are not opposed to exploring an amicable solution to the Kashmir problem. They are also not in favor of playing the “jihadi card” in Kashmir at a time when fundamentalist militancy has become the target of almost universal disapprobation.

The general political mood in India since the recent elections in Pakistan has been one of cautious optimism tempered with watchfulness regarding Pakistan’s unfolding policy toward Kashmir. Initial statements from Pakistan’s new government regarding Kashmir and the India-Pakistan peace process were generally supportive; the key issue remains whether the Pakistan Army or the civilian leadership will dominate policymaking on Kashmir and India-Pakistan relations. An increase in border incidents along the LOC and militant attacks within J&K has been noticed but has been attributed to the usual seasonal variations in the level of violence and the proximity of state elections in J&K.

If the political climate in India and Pakistan offers some reason for optimism about the peace process, developments on the international stage are decidedly encouraging. The United States is greatly interested in the success of the peace process overall and in efforts to make borders irrelevant in Kashmir, because renewed confrontation along the LOC would distract both countries, particularly Pakistan, from supporting the U.S.-led war on terror. The United States also now has a physical military presence in Afghanistan and Pakistan. The United States is strengthening its strategic partnership with India and has designated Pakistan as its most-favored non-NATO ally. Both countries, therefore, might well appreciate U.S. facilitation of their peace process and of a resolution of the Kashmir dispute. Washington is generally supportive of the bilateral India-Pakistan peace efforts but has not sought to involve itself in the nitty-gritty of negotiations, and thus has not focused on measures such as making borders irrelevant.

Over the past few years, China’s attitude toward India and Pakistan’s rivalry and their dispute over Kashmir has changed; where once China favored Pakistan, now it seeks to maintain equidistance from both countries. China’s motives for this shift can be found in its need to prevent tensions and instabilities in Kashmir and Afghanistan from spilling over into Tibet and Sinkiang, and in its concern to ensure peace and tranquility on its southern periphery.

Sino-American relations have transformed themselves since the end of the Cold War into a partly collaborative and partly competitive pattern—a pattern that seems likely to crystallize in the evolving international system. For the first time, however, all the major world powers—the United States, China, Russia, Japan, and the European Union—have individual and collective economic and strategic interests in promoting the normalization of India-Pakistan relations. None of them wishes to foment the Kashmir dispute, although they might not find it possible to mediate or promote its resolution. This is, therefore, a propitious time for India and Pakistan to explore the ideas discussed in this report for making borders irrelevant in Kashmir. While international actors can help to maintain a positive climate for the peace process, the main responsibility for making that process succeed rests with India and Pakistan themselves.

Notes

1. See "PM Extends 'Hand of Friendship' to Pakistan," *The Hindu*, April 19, 2003.
2. See "No Ideal Solution for Kashmir: Kasuri," *Greater Kashmir*, August 17, 2007.
3. Government of India, Ministry of Home Affairs, *Annual Report, 2006–07* (New Delhi: Government of India Press, 2007).
4. Report of the Working Group constituted by the Government of India, "Strengthening Relations across the Line of Control" (January 2007), http://www.hinduonnet.com/nic/jk/jkreport_2.pdf.
5. The report was overwhelmingly approved by the European Parliament in a resolution on May 24, 2007 (2005/2242) (INI). See <http://www.europarl.europa.eu/oeil/resume.jsp?id=5295922&eventId=986330&backToCaller=NO&language=en>; and <http://www.europarl.europa.eu/sides/getDoc.do?Type=TA&Reference=P6-TA-2007-0214&language=EN>.
6. A copy of the report (which is currently not available online) is in the authors' files.
7. "Joint-Statement of Third Meeting of India-Pakistan on Joint Anti-Terrorism Mechanism," June 24, 2008, Ministry of External Affairs, Government of India, Islamabad, www.meaindia.nic.in.
8. Praveen Swami, *Quickstep or Kadam Taal: The Elusive Search for Peace in Jammu and Kashmir*, Special Report no. 133 (Washington, D.C.: United States Institute of Peace, March 2005), 9.

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Of Related Interest

A number of other books and reports from the United States Institute of Peace examine issues related to the Kashmir conflict and to India-Pakistan relations in general.

- *My Kashmir: Conflict and the Prospects for Enduring Peace* (2008), by Wajahat Habibullah
- *The Madrassah Challenge: Militancy and Religious Education in Pakistan* (2008), by C. Christine Fair
- *Kashmir: A Problem in Search of a Solution*, by Shahid Javed Burki (Peaceworks, March 2007)
- *India-Pakistan Negotiations: Is Past Still Prologue?* (2006), by Dennis Kux
- *Quickstep or Kadam Taal: The Elusive Search for Peace in Jammu and Kashmir*, by Praveen Swami (Special Report, March 2005)
- *The Political Economy of the Kashmir Conflict: Opportunities for Economic Peacebuilding and for U.S. Policy*, by Wajahat Habibullah (Special Report, June 2004)



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