

SPECIAL CONFLICT REPORT

THE
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THE KASHMIRI CONFLICT:
HISTORICAL AND PROSPECTIVE
INTERVENTION ANALYSES

NOVEMBER 19-21, 2002

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THE KASHMIRI CONFLICT: HISTORICAL AND PROSPECTIVE INTERVENTION ANALYSES

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FOREWORD

Kashmir has been referred to as the most dangerous place on Earth. The prospect of two nuclear powers facing off across such a comparatively small space is frightening indeed. Since the partition of India and Pakistan in 1947, this unresolved land and the people who live there have been at the root of constant tension between the world's most populous democracy, India, and its neighbor Pakistan. That three major wars have been fought between those protagonists over the years only heightens the fear that now exists given their advanced technology. Global and regional implications aside, the instability and lack of any conclusive resolution to the political dispute have left the population of Kashmir divided and uncertain about their future. A land of immense beauty, Kashmir has seen its once burgeoning tourist industry fade completely in the face of military incursions and terrorist activity.

The search for solutions to intractable disagreements is a focus of attention in 2002 for the Carter Center's International Council for Conflict Resolution (ICCR), a body composed of leading ex-politicians, diplomats, and academics as well as technical experts in the field of conflict resolution. In November 2002 a small group that brought together ICCR members with leading regional experts met at The Carter Center in Atlanta to discuss the ongoing strife in Kashmir. The purpose was to examine the situation using a comparative analysis of other violent struggles, seeking to identify common threads of thought that could inform policy-makers engaged in peacemaking efforts in Kashmir and building on the previous small group symposium that focused on the Middle East. As in the previous symposium, the participants attacked the problem with great vigor,

acknowledging lessons learned in other conflict areas while not losing focus on the special considerations unique to Kashmir.

I would like to express my appreciation to those participants: Professor Mari Fitzduff from INCORE in Belfast (through her written correspondence); Joseph Montville, formerly director of the Program on Preventive Diplomacy, Center for Strategic and International Studies in Washington; Professor William Zartman from the School of Advanced International Studies, Johns Hopkins University; Ambassador Teresita Schaffer of the Center for Strategic and International Studies in Washington; Honorable Salman Haidar, former foreign secretary of India; Hassan Abbas and Usmaan Ahmad, then from the Fletcher School of Law and Diplomacy, Tufts University. I appreciate their time, effort, and passion in discussing this most dangerous of the intractable conflicts worldwide. Their contributions to this program were inspiring, and their continued cooperation with, and interest in, our activities have been most gratifying.

The Carter Center's Conflict Resolution Program hosted this event as one of a series of small group symposia on intractable wars. Program staff continually monitor the world's conflicts, large and small alike, in an effort to maintain their readiness to engage in direct mediation when called upon by the parties involved, either on their own or supporting me in my personal efforts. I am grateful for their work, with the assistance of members of the ICCR, in holding this symposium and assembling this report.



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INTRODUCTION AND SUMMARY

In late March 2003, terrorists thought to be members of Pakistan-supported Islamic groups killed 24 Hindu villagers in Kashmir. This incident evoked memories of the suicide attack by Muslim terrorists on the Indian Parliament in New Delhi in December 2001. Events like these raise the potential threat of war between India and Pakistan. South Asia is thought by many observers to be the most dangerous place in the world, with both antagonists armed with nuclear weapons.

Kashmir has been in dispute between India and Pakistan since the time of the partition in 1947. It is a site where both countries constantly face off. In January and June of 2002, India was poised to attack Pakistan because of terrorist military action against Indian targets in Kashmir. Pakistani President Pervez Musharraf said last December that if India had, indeed, invaded, its armies would have met with an “unconventional response.” India’s defense minister, George Fernandes, responded saying, “We can take a [nuclear] bomb, or two or more ... but when we respond there will be no more Pakistan.” This is an alarming level of discourse between neighbors, because it indicates that men in positions to make nuclear war happen are suggesting that one or the other can prevail in a nuclear confrontation. This is a level of self-delusion that can have only the most catastrophic consequences for the people of both countries. It suggests that the lessons of the U.S.-Soviet balance of terror and the absurdity of mutually assured destruction have been lost on the governments of India and Pakistan.

Furthermore, the rise of the religious right in both countries creates a political environment that verges on the apocalyptic. Islamic factions in Pakistan’s

border provinces with Afghanistan won in the last parliamentary elections. And elements of Pakistani military intelligence continue to support terrorist activity in Kashmir. Analysts believe that President Musharraf has limited ability to curb this action. At the same time, as the election season approaches in 2004, the ruling party in India, the Bharatiya Janata Party (BJP), resorts increasingly to the concept of Hindutva, a belief that India is not a secular, pluralist state, but the sacred place of Hindu ascendancy. Any student of religion and politics knows that when either party in an ethnic or sectarian conflict invokes God or gods on its side, the potential for major loss of life in war simply soars.

After hosting a two-day workshop earlier last November on the respective roles of Track 1, official diplomacy, and Track 2, unofficial diplomacy, in the Israeli-Palestinian conflict, the Carter Center’s Conflict Resolution Program chose the Kashmir issue for its next subject. Reflecting its commitment to in-depth political, psychological, and historical analysis as a prerequisite to building any plausible strategy on Track 1/Track 2 approaches, the Center convened native-born Indian, Pakistani, and Kashmiri experts on the conflict with senior retired diplomats from the subcontinent and the United States and conflict resolution specialists to develop an approach to peacemaking in Kashmir. This report is the fruit of this preliminary effort.

Three states, India, Pakistan, and China, control parts of Kashmir, which despite a large Muslim majority is host to important Hindu and Buddhist minorities and seven major language families. One of the many ironies in the conflict is that while the Vale of Kashmir is the violent center of the conflict that could precipitate nuclear war, it amounts to just .25 percent of the territory, population, and GNP of



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South Asia. Yet Kashmir has paralyzed the region for the last 12 years and over several decades produced competing national narratives in India and Pakistan on the right of possession that have left the region in a limbo of agony.

The issue of whether Muslims or Hindus or secular politicians should rule has preoccupied Kashmir from at least the early 1930s when a distinctly Kashmiri identity began to emerge. But with the approach to partition in 1947, Kashmir became embroiled in the cataclysms of the subcontinent as a whole. As Kashmiri national aspirations became subsumed under the greater India/Pakistani conflict, the grievances of the region began to crystallize. A plebiscite called for by the United Nations to discern Kashmiri wishes about their political status was never held. With a new educated generation coming to age in the 1980s, demands for Kashmiri self-determination increased but were faced with vigorous suppression by the Indian army and police. Attempts of independent-minded Kashmiris to use elections for a popular mandate were ended when the election of 1987 was rigged against them. The resulting downward spiral, exacerbated intensively by the appearance in the region of jihadi veterans of the Afghan war, has contributed to the political violence that has lasted until today.

While Indian security officials seem convinced that the Pakistani army is controlling the jihadi elements attacking Kashmir, other observers see the jihadis, blooded veterans of the war against the Soviet Union, as a threat to the army if it tries to suppress them. Some consider these Muslim fighters/terrorists to be a Frankenstein monster. While it may be understandable that some leaders of India call Pakistan a terrorist state, such language may actually greatly increase the number of Pakistanis and other Muslims who volunteer for terrorist action. The state of Pakistan is much more weak and vulnerable than India with its developed legal system and functioning democracy. Indeed,

Pakistan needs India's help as it attempts to suppress the radicalization in its country. If Pakistan fails as a state, India would suffer a major deterioration in its own security.

Consideration of Track 1 and Track 2 initiatives requires considerable caution given the fragility of the India-Pakistani relationship. There is strong consensus that the United States has a critical Track 1 mediating role to play, and it should play it on a continuing basis. This security situation is too serious for episodic interventions. But rather than formal bilateral discussions between the two countries, facilitated back-channel communication may be easier to manage and more productive initially. Again, the American effort must be sustained, reflecting an investment in time and energy commensurate with the level of danger to the region. There should also be serious and continuous efforts to build peace constituencies in both countries and in Kashmir. And a special effort should be made to find respected religious leaders who can promote the idea of peaceful settlement of conflicts.

Track 2 efforts to date have primarily consisted of meetings usually organized by foreigners that bring together former Indian and Pakistani government officials, retired military officers, and academics. At times, the process produces interesting papers and the occasional book, but very little impact on government policies in Islamabad and New Delhi. What may hold promise are efforts to connect Indian and Pakistani business leaders. They have the natural incentive of increasing the very low existing level of trade in goods and services. Energy trade is one area of considerable promise. India could consume as much energy as it could receive from any and all of its neighbors. Energy relationships create dependency relationships, almost by definition. And India and Pakistan's experience with the Indus Water Treaty is one of the rare positive examples of prudence and creativity in the otherwise troubled bilateral relationship. There is a note of caution in considering the



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involvement of foreign NGOs in promoting dialogue, especially in Kashmir. India is especially wary of foreign activities reflecting, in part, its memory of British colonialism, but also its suspicions of foreign motives in Kashmir. The most successful NGO activities in supporting nonviolence and community will be those organized and run by local citizens.

Without making unrealistic predictions of early success, the strong belief is that ultimately, the United States has the key responsibility to engage in conflict transformation efforts for the long haul. There is simply no escape. Such engagement will help concentrate the mind in New Delhi where the tendency has been to try to weather each crisis, though concentration appears more promising given Vajpayee's recent offers of engagement with Pakistan. Also, if there is a feeling in India—and Pakistan—that a place like The Carter Center and other respected organizations are ready to work for the long term on the Kashmir conflict and the bilateral relationship in general, this outside stimulus could result in an inside response that goes beyond polemics and engages the best problem-solving insights and energies the very talented inhabitants of the subcontinent have to offer.

PEACE PROCESS DYNAMICS

As the Kashmiri dispute approaches its 56th year, there appears to be another opening for diplomacy. Recent overtures by Prime Minister Vajpayee and President Musharraf hint at a possible easing of tensions and window for dialogue following what could be characterized as over a year of brinkmanship. As the United States winds down its war effort in Iraq, diplomacy appears to be on the rise not only in the Middle East, but also in Kashmir. Deputy Secretary of State Richard Armitage's recent visit to the region, one of several during this administration, seems to suggest a renewed United States attention to South Asia and the Kashmir dispute specifically. While Track 1 and 2 peacemakers gauge

their responses to the apparent thaw in hostilities and refocused U.S. attention, it becomes important to assess what it is that we actually know about peace processes, both for informed recollection and for guidance in dealing with an evolving Kashmir.

CONFLICT EVOLUTION

Conflict evolution is governed by two contrary generational trends: fatigue and radicalization. Fatigue concerns the current generation, which, because of age and other reasons, often tires of war and turns to a search for normalization. Radicalization is the successor generation's response to the normalization trend, which it views as a sell-out. Conflict evolution also escalates in horizontal directions, broadening goals, images, allies, costs, and investments, among others. Therefore, peace processes must be able to contain as well as diminish, manage, and resolve conflict.

RIPENESS

Conflict evolution is also characterized by problems of ripeness, a necessary but insufficient condition for negotiations to begin. Ripeness involves a perceived mutually hurting stalemate and a perceived way out of the conflict. If a conflict is not ripe for effective mediation, the mediator or potential mediator must work to ripen in. If ripening is not possible, the mediator must position himself for intervention later on. Peace processes begin when each side realizes that it must include the other in the solution, beginning at least some minimal level of dialogue.

Parties in conflict need help. In most cases, they are unable to prevail unilaterally but have a hard time recognizing it, as they are so deeply engrossed and committed to the conflict that it becomes overwhelmingly difficult to communicate, much less reach, a bilateral solution. But for the same reasons, parties do not welcome mediation. Mediators are often considered meddlers and have little leverage



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over the parties. They are at the mercy of the parties' felt need for a way out, which relates back to ripeness. If a mutually hurting stalemate pushes parties into a mediation process, it takes mutually enticing opportunities to pull them toward a positive conclusion.

DOMESTIC POLITICS

In many countries, peace processes are governed by the rhythm of domestic politics. This creates a need to seize opportunities, to heed early warnings, and to be alert and ready for early actions.

PROCESS PROGRESSION

Peace processes are usually organic and phasal, essentially two steps forward, one back. They deliver advances in small increments interspersed with larger breakthroughs. In this context, interim agreements should be unstable and should fall forward, leading to next steps, rather than offering a place to settle down or drop back.

Conflict management is the first challenge of a peace process. The primary change a mediator seeks is the movement from violence into politics in order to reduce the level of destruction. Conflict management reduces the pressure for conflict resolution, but conflict management contains the implicit promise of conflict resolution as the next step. Some conflicts don't end, but most do change. The end product of a peace process is a new political system, not just redress of initial grievances, which is too little too late. But victim needs must be addressed; "peace versus justice" issues can be very destabilizing in post-settlement stages.

SPOILERS

Peace processes are often accompanied by violence, usually by those who feel they will lose if compromises are reached. Violence should not be used as an excuse to break off negotiations, as this gives veto

power to spoilers. Some peace processes can look to early ceasefires when a great deal of reconciliation is already in view, but most peace processes reach a ceasefire only toward the end. Parties want to know what they are going to get before they stop fighting for it.

Peace processes should include those who can destroy them through violence, though it may be necessary to circumvent them at times, bringing them in later to enhance sustainability. Efforts to reach an agreement should reach into the middle of both sides, not just to the moderate fringes, and should seek to isolate the extremes if they cannot be brought into the process without destroying the chance of agreement.

Within the category of spoilers, there are dealers and zealots. Dealers often come on board to peace processes with the right incentives. It may be necessary to circumvent or contain zealots. Spoiler groups can usually best be neutralized with the active involvement of other former, current, or potential spoilers, i.e. ex-militants.

DELIVERING COMPROMISE

Leaders' main job is to deliver their own people to the compromises that must be made to reach a solution, and both leaders and followers will avoid this for as long as possible, thus prolonging the length of most conflicts. The ground must be prepared for compromises, and that process is often lengthy. Each step should be anchored in supportive public opinion and in civil society activities.

Leaders' secondary job is to assist their opponents to sell the compromises they must make. To this end, one must realize that conflict is functional and provides meaning and alternative meaning to those involved. Societal integration for both state and non-state actors must be found. However, there is usually no point in moral arguments; what are often needed are political incentives.



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RECOMMENDATIONS

The following recommendations do not reference the possible components or makeup of a final agreement on the Kashmiri issue. What is urged implicitly in these recommendations is the need for small steps to assist the parties in creating a framework for a peace process, which might lead to a return to the negotiating table. Several of the recommendations are inextricably linked both in substance and approach, but it is this continuity in action that provides the necessary support and movement to a sustainable peace process.

The United States should view relations between India and Pakistan, as well as the situation in Kashmir, as a critical foreign policy issue. Evidence in the form of multiple, high-level visits suggests that this may now be the case. Past U.S. engagement has primarily been relegated to crisis management as opposed to a sophisticated, committed, and sustained strategy. In the aftermath of September 11th and the wars in Afghanistan and Iraq, as well as the nuclearization of the region, it is in the interest of the United States to articulate a long-term strategy to deal with the Kashmiri dispute for security and economic purposes. A moderate, progressive, and stable Pakistan, as well as South Asia, is in the short- and long-term interests of the United States.

Immediate steps to reverse the escalatory dynamic of the conflict and to encourage movement toward dialogue should be taken by the parties. India and Pakistan should not leap into formal, highly publicized talks but rather embark upon back-channel steps to begin defining what talks would be. Back-channel dialogue on issues such as security, humanitarian issues, and peace dividends should commence in order to begin defining necessary and agreeable building blocks to move toward a final solution. This dialogue should be conducted without official agreements.

Formal bilateral confidence-building measures (CBMs) agreed upon at the official and unofficial

levels can help effect a new process by setting into place the building blocks for an eventual agreement, targeting substantive issues such as reducing and removing troops from uncontested areas and implementing technical safeguards to monitor infiltration. These safeguards would likely include sensor technology, provided by the United States to both Pakistan and India, to make the Line of Control harder to cross by militants. Technological deployment of this kind would likely require coordination by both India and Pakistan and would build confidence by demonstrating a concrete commitment by Pakistan to act assertively on infiltration and a willingness by both parties to work together in resolving this contentious issue.

Bilateral CBMs, such as those above, would make it more difficult to slow bilateral momentum by disregarding reciprocal efforts. In the past, CBMs have worked when relations are good but have fallen apart when relations hit difficulties. But continuous U.S. engagement and pressure as well as meaningful back-channel activities moving the parties forward could increase their relevance and viability. These CBMs would serve as a ripening tool to position and ready the parties for bigger steps toward a negotiated settlement. Additionally, Indo-Kashmiri dialogue on abstract issues, such as Kashmiri identity and reconciliation, would also help to change the dynamics of current relations between New Delhi and Srinagar.

Official and unofficial support for the building of peace constituencies within and between India, Pakistan, and Kashmir should be encouraged and pursued. This support should be provided to local non-state actors that seek to address concrete problems such as the economy, the environment, the humanitarian situation, and ways to peacefully advocate and press government leaders for a comprehensive solution to the conflict. This support could develop and strengthen political will at the community level, which is necessary for the sustainability of peace processes and agreements. Issues



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relating to Kashmir governance, identity, and humanitarian dilemmas must also be addressed to control the outbreak of insurgency and to sustain bilateral agreements between India and Pakistan. It is also important that Kashmiris be integrated into these dialogues, as they are the spectators to and victims of the violence as well as the objective of a solution.

Trade between India and Pakistan should be promoted in order to create and support a mutual dependence, which would assist them in addressing the Kashmir issue. Increasing trade would also mobilize the business communities as a possible peace constituency with a direct stake in the resolution of the dispute by generating new linkages between the communities and creating mutually beneficial incentives for peace.

The Indian and Pakistani diasporas should also be explored and mobilized as possible peace constituencies as they regularly fund and support specific activities and leaders of their homelands.

Efforts to enhance the exchange of ideas through the media should be pursued in order to transform perceptions among Indians, Pakistanis, and Kashmiris. These kinds of activities are increasing, but there are sectors of Pakistani and Indian societies that could better be reached by articulating and explaining views of the opposing side in their respective vernacular languages. This would reduce misperceptions and mistrust and enhance the exchange of information and opinions, particularly in places that are in need of exposure to peace-oriented news and issues.

Contacts between Indian, Pakistani, and Kashmiri parliaments should be encouraged. To some extent, this is underway, as a Pakistani parliamentary delegation visited India in May 2003 to promote good will and moves toward normalization. Continuous exchanges of this nature would assist politicians to form new contacts with a view toward peace in order to discuss concrete incentives for peace, such as

increasing trade and security and exploiting services that would create and support a mutual dependence between India and Pakistan as well as Kashmir. These contacts should unofficially continue with institutional protection from all parties.

Peace dividends among the parties should be explored to reveal incentives toward peace. The Kashmiri issue is critical to security in Pakistan. The Kashmir issue has been radicalized, which has greatly impacted sectarianism in Pakistan. The militants' and right wing's support to Kashmiris is increasingly problematic and could affect relations with the United States as well as stifle any progress that might be made with India on the Kashmiri dispute. Increased security in Pakistan can only be realized by improving relations with India.

It would be useful to encourage Vajpayee to seek peace by focusing on the historical context of such a decision as well as the economic incentives that peace with Pakistan would yield, such as increased trade in high-demand resources, namely energy. Trade policies between India and Pakistan have primarily been driven by political disputes, with neither party willing to frame increased trade as beneficial as opposed to disadvantageous.

India has one of the fastest growing energy markets in the world. It would be beneficial to both Pakistan and India to explore and exploit incentives of increased energy trade. This would help to stabilize Pakistan's economy as a potential transit route for oil as well as satisfy India's growing energy requirements. There is precedent for a successful resource agreement, namely the Indus Waters Treaty, which could assist in the structural design of an energy agreement that could withstand mutual suspicions and periodic political fallings-out.

Per the Kashmiris, it is in their best interest to seek peace. Kashmir has already lost one generation to violence in the Valley. The security, economic, environmental, and humanitarian conditions in



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Kashmir would undoubtedly improve if a peace agreement were reached and sustained.

Acknowledgment of grievances by India and Pakistan should be prioritized as a necessary step toward peace. Kashmiris feel victimized; Pakistan feels that it has been cheated for 56 years; and India feels that it is a victim of terrorism. Indian acknowledgment of Kashmiri grievances is essential to starting a dialogue between New Delhi and Srinagar. A process of reconciliation is needed, as there is evident resentment of India and its agencies in the Valley. A first step would be to inject political will into the implementation of Indian security policies with serious efforts to curb excesses. For Pakistan, it is necessary that India acknowledge that there is a dispute over Kashmir and that it is central to relations. For its part, Pakistan must acknowledge terrorist acts by militants against India and their contribution to Indian intransigence on the cessation of violence. There is also Kashmiri resentment of Pakistan's high-handedness toward ordinary Kashmiris. To these ends, interethnic dialogue and reconciliation should be encouraged in Pakistan and India, as well as across the Line of Control.

India should be encouraged to support the Jammu and Kashmir government as it seeks to implement its state program. This would build confidence in Kashmir and move New Delhi and Srinagar closer to dialogue. Before relations can improve, a new atmosphere of trust and support is needed. Indian support of the state government can assist in this process, particularly as the state government commands a certain mandate following elections that saw a changing of the traditional guard in Kashmir. However, reaching out to and including Kashmiri dissidents that abstained from the October elections are necessary. These groups represent an important constituency and one that is integral to the level of Kashmiri violence in the Valley. Ignoring these groups will make implementation of the state government's program, as well as successful dialogue between New Delhi and Srinagar, problematic.



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Budget: \$33.9 million 2001-2002 operating budget.

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MARTIN FRANK



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While the program agenda may change, The Carter Center is guided by five principles:

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