

The Impact of the Kashmir Conflict on Indo-Pakistani Relations and its Security Implications for the South Asian Region

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DECLARATION

I, Adekoye Abimbola Raquel with Student Number: 213572239 solemnly declare that

- a. *This work is originally my own.*
- b. *This very dissertation has not been submitted for any other degree or examination at any other university.*
- c. *The ideas, the data and all other information, which is derived from other sources or writers work, have been acknowledged accordingly.*

.....Abimbola.....
Signature

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Date

ABSTRACT

This dissertation offers an explanation of contemporary bilateral relations of India and Pakistan in the context of the Kashmir conflict. Looking at the historical background of the conflict, it explains how the Kashmir conflict has become a thorn in the bilateral relations of India and Pakistan. Through an examination of the Indian-Pakistan peace process, I suggest why the Kashmir conflict still defies a solution. I analyse the self-help measures undertaken by both countries and assess the prospect for a future war in the region. By examining the regime types, institutional mistrust, and the economic co-operation and competition of both countries, I explore the nature of the bilateral relationship and its impact on the South Asian region. I specifically assess the possible negotiated solution to the Kashmir conflict. Finally I argue that as long as both India and Pakistan cling to their historically-entrenched positions, there is hardly any chance for permanent peace in Kashmir, thereby complicating their strategic stance in the region.

I draw upon the theories of Neo-Realism and Neo-Liberalism to explain outcomes towards peace initiatives between India and Pakistan, and the implications for South Asia. I choose three specific concepts advanced by neo-realists and neo-liberal theorists to explore and explain the three principles of this study: the Balance of Power, Security and Economic Co-operation.

Institutional mistrust, different regime types, competition in non-traditional areas, continuing insurgency, has delayed a peaceful resolution of the Kashmir conflict. After the Mumbai attack, India has diverted more national resources into fighting terrorism. Continuing border clashes, the nuclear arms race, and terrorism have heightened the tension on the subcontinent, despite the talk of resuming the dialogue in 2011. It also affects the efforts of improving economic and trade relations between both countries that would have led to more co-operative postures between both countries and for South Asia. Of equal importance is the continuous rivalry with a much smaller power, Pakistan, and over Afghanistan is a bane to peace initiative. However, this dissertation ultimately makes some policy recommendations.

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ACRONYMS

AT	Allah Tigers
BOP	Balance Power
BOT	Balance of Terror
CARs	Central Asian Republics
CBMs	Confidence Building Measures
EU	European Union
GOP	Government of Pakistan
GWOT	Global War on Terrorism
HI	Hizbul Islami
IPI	Iran-Pakistan-India pipeline
ISI	Inter-Service Intelligence
ISI	Import-Substitution Industrialisation
ISL	Islami Student League
IWT	Indus Water Treaty
JET	Jamaat-e-Islami
JKLF	Jammu and Kashmir Liberation Front
LET	Laskar-e-Taiba
LoC	Line of Control
NAM	Non-aligned Movement
NC	National Congress Party
NPT	Non-Proliferation Treaty
PIS	Pakistan Intelligence Services
RAW	Research and Analysing Wing of India
SAARC	South Asian Association for Regional Co-operation
SC	Security Council
TAPI	Turkmenistan-Afghanistan-Pakistan-India pipeline
UK	United Kingdom
UN	United Nations
UNCIP	United Nations Commission for India and Pakistan
UPA	United Progressive Alliance
US	United States of America
WOT	War on Terrorism

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CHAPTER ONE

INTRODUCTION

BACKGROUND OF THE STUDY

India and Pakistan traditionally view each other as enemies. Owing to the lack of trust, both countries take various measures to ensure their national interests and security. First, they take steps to strengthen their military power, which triggers the arms race in the region. Second, to attain a balance of power, they build alliances in the form of strategic partnerships with global powers. Third, Pakistan supports insurgency in India and vice versa. Being arch-enemies, they engage in such subterfuge in order to weaken each other. Finally, they even compete in a third country - Afghanistan - to maximize their interests (Mukherjee 2009).

The Kashmir dispute is one of the most intractable international conflicts arising after the British partitioning of the Indian subcontinent. Ever since the bi-partite division of British India into India and Pakistan in 1947, Kashmir has become a festering conflict between the two countries. Both countries have fought three bloody wars over Kashmir in 1947, 1965, and 1999, and another war over Bangladesh in 1971 in which Kashmir was a peripheral issue (Indurthy 2004). The tit for tat testing of nuclear weapons by both India and Pakistan in May 1998 marked the explicit 'nuclearization' of the Kashmir conflict (Sridharan 2005). Mounting insurgency and surging popular protests in Kashmir, continuing terrorist attacks in India, and unceasing border clashes have transformed the Kashmir valley, the earthly paradise, into a valley of death.

Following the terrorist attacks in Mumbai, the commercial hub of India, on 26 November 2008, India suspended the Composite Dialogue (Padder, 2012) taking place between both countries with the goal of finding a solution to the Kashmir conflict and normalizing relations (Krishna 2011; Zardari, 2011). This has increased the tension between the two nuclear-armed countries in South Asia. Another catastrophic terrorist attack or a prominent political assassination in India could push back the relationship to the dark days of 2001-02 when the two countries were on the verge of a war (Mukherjee 2009). Owing to the continuous failure of peace talks, the Kashmir conflict has assumed a monstrous dimension, and become a source of tension between the two nuclear powers.

Broadly speaking, territorial disputes continue to be considered as the most important source of inter and intra-state conflict, and India and Pakistan is no different. According to Hague and Harrop (2004:71) “the major transitions of world history - industrialization, colonialism, decolonization, and democratization - unfolded in a world stage”. Following the partitioning of British India in the early 1940s, the relations between India and Pakistan have remained tense owing to the Kashmir issue. Several wars have been fought by the two states since 1947, and there have been long disputes between the state of India and Kashmir’s over the right to self-determination as well as between India and religious militants perceived to be waging a jihad to create a theocratic state. “...Since the 2003 ceasefire, both New Delhi and Islamabad have said that they want to contain tensions along the Line of Control (LoC) from escalating into a broader conflagration, fearing it will undermine the composite dialogue process between them” (Jayasekera, 2013:01). However, the Institute for Conflict Management states that there have been more than 68 000 fatalities since the start of the conflict,

at least 15 of which were reported in one month alone in August 2013. To date a local human rights group, CCS, estimates that there are at least 70,000 dead and 8000 missing (Insight on conflict, 2014). The immediate implications of this are that once again both the 2003 ceasefire and the diplomatic relations and confidence-building attempts to restart the peace talks between India and Pakistan have been greatly undermined. This jeopardises any chances of a fast and viable solution to the Kashmir issue because there has not been a solution and Kashmir continues to be divided along the lines of religious differences (Muslim dominated versus Hindu dominated) which are administered by both Pakistan and India respectively. The United Nations (UN) continues to take charge of the task to monitor the Line of Control (LoC) which serves as the boundary separating these two territories.

It is not easy to refute realists' perceptions that the international system continues to be anarchic with states seemingly forever in the struggle for power, since their actions are always driven by national interest where security is a supreme goal. However, liberal ideas have brought into existence international laws and precepts governing states behaviour in international relations. The relevance of this relates to the point that scholars like Tavares (2008:277) associate the nature of the Kashmir conflicts with liberal principles contained and paramount within the complex doctrine of international law. The multi-polarisation of the international system means that a lot of other actors are involved in international affairs. In addition, the post-Cold War era has witnessed an increase in literature predicting a change in the causes of war. Professor Samuel Huntington's thesis of 'the clash of civilizations' is one of the dominant theories in the post-Cold War era which seems to lend explanation to the majority of conflicts, and which also seeks to characterise the post-Cold War era. To clarify this, Vaish (2011:53-54) points out that "in recent

history, conflicts have rested on the twin prongs of ‘identity’ based on religion, culture, language, distribution of political, economic and social power”. This means that cultural differences can cause conflicts which are very hard to resolve and create hostile and unfavourable conditions for negotiations and the attainment of peace. Scholars, like Habibulah, criticise the negotiations concerning the Kashmir issue on the basis of them being ideologically centred - “Secular Indian nationalism versus “Islam in Danger” (2004:04). This supports the idea that the causes of the collapse of negotiations and the root causes of the conflict are very complex. According to Habibulah (2004:04) the parties involved in the Kashmir issue view the truth of the matter and the cause of their dispute as a result of the takeover by India in 1947.

India and Pakistan are considered as the nuclear powers of South Asia. Since their nuclear arsenals were tested in 1998 the Kashmir issue and tense relations between the two states have raised international and regional concerns in terms of the nuclear arms race and the possibility of future nuclear confrontation as well as inadvertent nuclear war. This is one of the reasons that the Kashmir issue is not only the impediment in the relations between Pakistan and India, but it is also one of the greatest challenges to peace and stability in South Asia.

This topic was chosen because even though there has been research done in this area (and other related areas in conflict studies) there has not been much done in the context of regional security. The objective in this dissertation is to explain the contemporary relationship between India and Pakistan in the context of the Kashmir conflict and its security impact on the region of South Asia. I specifically assess the possible negotiated solutions to the Kashmir conflict. I examine the

military, political and economic impact of the conflict in the bilateral relationship of India and Pakistan. More importantly, I analyses how to normalize the relationship in the wake of the Mumbai attack¹. In total, I hope to provide deep insight into contemporary Indo-Pakistani relations against the backdrop of the Kashmir conflict. In short, I add to a growing body of literature on the Kashmir conflict by narrowing a knowledge gap in the discourse.

THE KASHMIR CONFLICT

Kashmir, situated in the northernmost corner of the South Asian Subcontinent, is wedged between Pakistan, India, China, and Afghanistan (Hilali 2001). Today it covers a large geographical area encompassing the Indian-administered state of Jammu and Kashmir (the Kashmir Valley, Jammu and Ladakh), the Pakistani-administered Azad Kashmir, Gilgit and Baltistan (the last two being part of a territory called the Northern Areas), and the Chinese-administered regions of Aksai Chin and Trans-Karakoram Tract (Hilali 2001)



Historically,
Kashmir
witnessed
many foreign

¹ The 2008 Mumbai attacks where twelve coordinated shooting and bombing attacks lasting four days across Mumbai (Friedman, 2009; Sify News 2009), carried out by Pakistani members of Lashkar-e-Taiba, an Islamist terrorist group based in Pakistan (Schiffrin, 2009). Ajmal Kasab, the only attacker who was captured alive, later confessed upon interrogation that the attacks were conducted with the support of Pakistan Government's intelligence agency ISI (The Globe and Mail, 2011; The Times of India, 2011). The involvement of Pakistan's ISI was also supported by statements made by David Headley, an American terrorist of Pakistani origin, though an ISI spokesman denied any involvement in the attacks (Guardian, 2010). The attacks, which drew widespread global condemnation, began on Wednesday, 26 November and lasted until Saturday, 29 November 2008, killing 164 people (including some Westerners) and wounding at least 308 (The Guardian UK, 2008).

invaders and bore their imprints. The Mauryan Emperor, Ashoka in the 3rd century BCE first introduced Buddhism to the region. In the 9th century CE, Saivism became prominent in the region. From the 9th to the 12th century CE the Kashmir region became a centre of Hindu culture. A myriad of Hindu dynasties ruled Kashmir until 1346, when it came under Muslim rule (Encyclopaedia Britannica 2011, India Together 2010). For the next five centuries, Muslim monarchs of various origins ruled Kashmir, including the Mughals, who ruled from 1526 until 1751, followed by the Afghan Durrani who held sway from 1747 until 1819. That year, the Sikhs ended the five centuries of Muslim rule in Kashmir, overcoming the Afghan Durrani Empire, and annexing it to their Kingdom of the Punjab (UNHCR, 2013).

In 1846, the British decisively defeated the Sikhs in the First Anglo-Sikh War, and conquered the Kashmir Kingdom. However, they sold it for just 75 lakh rupees, to Gulab Singh, the Dhogra ruler of Jammu, who assisted them in the war (Das 2001; Mohan 1992). Moreover, they even allowed him to create the princely State of Kashmir and Jammu combining disparate regions, religions, and ethnicities along the northern borderlands of the Sikh empire of the Punjab. In the east, Ladakh was populated by ethnic Tibetans who practised Buddhism; in the south, Jammu constituted a mixed population of Hindus, Sikhs, and some Muslims; in the heavily populated central valley the population was overwhelmingly Sunni Muslim, but there was an influential Hindu minority, the Pandits; in the northeast, there was a sparsely-populated Baltistan which had a population ethnically related to Ladakh but practised Shi'a Islam; in the north, Gilgit Agency was also sparsely populated by mainly Shi'a groups; and in the west Poonch was Muslim, but of a different ethnicity than that of the Kashmir valley (Bowers 2004; Encyclopedia Britannica

2011). The majority of the state was glued together between 1820 and 1846, but Poonch was separately administered until 1936 when it was incorporated into the Princely State of Kashmir and Jammu. That is why it was an extensive, but somewhat ill-defined state. It best served, however, British interests by being a buffer among the British Indian Empire, Russia, and China. Following the Indian Rebellion of 1857, India was brought under the direct rule of the Crown. Having sided with the British during the Rebellion, the princely state of Kashmir came under the suzerainty, but not under the direct rule, of the British Crown (Encyclopaedia Britannica 2011; Stein 2010).



In 1947 British rule of the subcontinent came to an end, and the British Indian Empire was partitioned into the newly independent Union of India and the Dominion of Pakistan. As the paramountcy of the British crown was to end on 15th August 1957, the British government made it clear to all the native states to merge with one or the other political entity (Jha 2014). Moreover, it tacitly advised all the princely states to judge the question of accession to either India or Pakistan on the basis of geographical contiguity and the religion of the majority community in the principalities. In other words, it requested the rulers of all princely states to make

the judgment in accordance with geographic compulsions and economic necessity rather than their personal whims and fancies (Mohan 1992; Stein 2010). At the time of the partition, Kashmir constituted a Muslim majority population of 77%, a Hindu population of 20% and a sparse population of Buddhists and Sikhs comprising the remaining 3%. It was anticipated that Hari Singh, the Maharajah of Kashmir, although a Hindu, would accede Kashmir to Pakistan when the British paramountcy ended on 15 August 1947 (Mohan 1992; Stein 2010).

Despite the widespread anticipation, Maharajah Hari Singh hesitated to do so. Owing to the large size and pre-eminence of the state, he was toying with the idea of declaring its independence (Jha 2014). Hence, he initially sought more time to make up his mind and wanted to enter into a standstill agreement with both India and Pakistan. Although Pakistan signed the agreement, India refused to do so. His delaying tactics to maintain the independence of Kashmir backfired. He was caught up in a train of events that included a revolution among his Muslim subjects along the western borders of the state and the intervention of Pashtun tribesmen from Pakistan (Akhtar 2010; Mayfield 1995). The communal violence, which swept across India after the partition, spread into Kashmir as well. Muslims living in Poonch, which was recently incorporated into the Princely State, had never reconciled with Hindu rule and led a secessionist movement in mid-1947. Since the authorities tried to expel the movement, the locals turned to the tribal areas of Pakistan's North-West Frontier Province for sustenance and support. The real turning point came when thousands of Pathan tribesmen from across the Pakistan border joined with the local rebels in fighting the Maharajah (Bowers 2004).

In October 1947, Srinagar, the capital of the Princely State was threatened by the rebels. On the 24th, the rebels declared the territories under their control as the State of Azad Kashmir or Free Kashmir. Frightened by these dramatic developments, the Maharajah fled the capital and appealed to India for help which was granted on condition of his accession to the Indian Republic (Jha 2014). As a result, he signed the Treaty of Accession to India on 26 October 1947. The following day, the British Governor-General, Lord Mountbatten, recognised it (Indurthy & Haque 2010; Mohan 1992). India immediately dispatched its troops to quell the rebellion and flush the tribesmen out of Kashmir. Consequently, Pakistan sent its troops on behalf of the tribesmen, which led to the First Indo-Pakistan war (Wheeler 2010).

Under the auspices of the United Nations, the ceasefire came into effect in January 1949 between both countries. In July of that year, both defined a cease-fire line (the line of control or LoC) dividing the administration of the territory. Despite being a temporary expedient, the partition along that line still exists and continues to shatter peace and normalcy in the region (Indurthy 2005; Mohan 1992). Given the facts that there was a clear Muslim majority in Kashmir before the 1947 partition, and its economic, cultural, and geographic contiguity with the Muslim-majority area of the Punjab (in Pakistan), one could safely argue that the Princely State should have been acceded to Pakistan. However, unforeseen political developments during and after the partition left Pakistan with one-third of the Princely State which was thinly populated, relatively inaccessible, and economically underdeveloped. The rest, which was densely populated and economically developed, with the largest Muslim population in the Vale of Kashmir, fell into Indian hands (Bowers 2004).

Since the competing claims of India and Pakistan rest on contrary principles of equal plausibility, both of them have never come to terms with the partition of Kashmir. India claims that Kashmir is an integral part of India and that it has sovereignty over the territory, thanks to the Treaty of Accession.² Refuting this claim, Pakistan argues that the accession was fraudulent. Further, it states that Hari Singh had no legitimate authority to execute the Instrument of Accession with India, since his subjects had already toppled his government in the rebellion and forced him to flee from the capital (Akhtar 2010). Moreover, it asserts that the decision of the Maharajah to accede Kashmir to India was against the guiding principles of partition, namely religious majority and geographical contiguity (Yusuf and Najam 2009). Besides, Pakistan was carved out of the British Indian Empire based on the two-nation theory that advocated the creation of a safe haven for the Muslims of India. Jammu and Kashmir remaining with India therefore poses an existential threat to Pakistan. That is why Pakistan views Kashmir as the unfinished business with India. However, the elites of the Indian Congress never accepted the two-nation theory of the Muslim League. They formed the Indian Union based on secular principles (Akhtar 2010; Mitra 2001). Therefore, they view Kashmir as a living symbol of their non-communal, secular India. Giving up Jammu and Kashmir to Pakistan poses a threat to the unity of secular India.

Besides these equally competing arguments, both have religious, economic, and strategic interests in Kashmir. For India, Jammu and Kashmir is important for

² 'Accession' is the act whereby a state accepts the offer or the opportunity to become a party to a treaty already negotiated and signed by other states. The instrument of accession in this current discussion is a legal document executed by Maharajah Hari Singh, ruler of the princely state of Jammu and Kashmir, on 26 October 1947 (Annad 2006, Bowers, 2004). By executing this document under the provisions of the India Independence Act 1947, Maharajah Hari Singh agreed to accede to the Dominion of India (Gossman and Lacopino 1993; Campbell and Brenner 2002). See Appendix 1 and 2.

religious (it has holy Hindu temples and caves), economic (rivers flow to India from here), and ethnic (Hindus of Jammu and Buddhists of Ladakh want to be part of India) affinities. Further, Kashmir has emotional links with India since it is the ancestral land of Nehru and his daughter, Indira. Moreover, it is of paramount importance to the security of India (Bowers 2004; Das 2001). Giving direct gateways to the North-Western Province of Pakistan and Northern Punjab, and providing the only window to the Central Asian Republics in the North, China on the East, and to Afghanistan on the West, it has become a ‘strategic bowl’ for India (Das 2001: 34). Therefore, India views it as an indispensable geographical, political and economic entity for its security concerns.

Similarly, Pakistan also considers Kashmir as of strategic importance for its national security owing to its geopolitical linkage. It views Kashmir as a ‘cap on the head of Pakistan’ (Das 2001: 57)³. Most importantly, it considers Kashmir as an economic life-line since the headwaters of Pakistan’s major river and canal systems lie in Kashmir. In other words, its agricultural economy is dependent partly on the rivers flowing out of Kashmir. That is why Mukherjee argues that ‘water has been central to the Kashmir dispute, and Pakistan’s insecurity regarding future water supplies will only increase regional instability’ (2009: 430). Besides, Pakistan is also interested in the timber, mineral deposits, and hydroelectric potential of Kashmir (Das 2001). As a result, Pakistani elites have hardly reconciled themselves with the loss of Jammu and Kashmir. Similarly, Indian ruling elites have equally opposed the secession of Jammu and Kashmir from the Indian federation. This has soured Indian-Pakistani bilateral relations, and transformed Kashmir, an earthly paradise, into the most militarised region in the world.

³ ‘Cap on the head for Pakistan’ simply means the completing part that makes it a whole state – Just as a cap completes a formal dress for military officers.

RESEARCH QUESTIONS

In this dissertation, I address the following research questions.

- Why does the Kashmir conflict defy a peaceful negotiated solution? And which solution(s) can be prescribed to this persisting conflict that strains the bilateral relations of India and Pakistan?
- How does the persisting Kashmir conflict affect the bilateral relationship of India and Pakistan? And, what is the state of bi-lateral relations between India and Pakistan after the attacks on Mumbai in 2008 and 2011
- Would the security strategies and self-help measures of the contending countries pre-empt the possibility of war over Kashmir?
- Can the development of mutually reinforcing economic benefits for the two states ameliorate the tensions emanating from the Kashmir conflict?
- Is religion implicated in the politics surrounding the Kashmir conflict?
- Is there security (nuclear) implications for South Asia region due to the Kashmir conflict?

RESEARCH OBJECTIVES

In this dissertation, I have the following research objectives.

- To assess whether a negotiated settlement is possible in the persisting Kashmir conflict in the wake of the Mumbai terrorist attacks
- To examine how the persisting Kashmiri conflict affects the bilateral relationship of India and Pakistan.

- To analyze whether pursuing policies that enhance regional economic integration and growth would narrow the scope of the Kashmir conflict and improve the bilateral relations.
- To examine the nexus between politics and religion in the Kashmir conflict.
- To examine the possibility of security (nuclear) confrontation between India and Pakistan in the South Asia region.

RESEARCH METHODOLOGY

This is a qualitative desktop-based study which relies on the method of documentary analysis of documentary sources. I draw on both primary and secondary sources. In terms of primary documents I use official statements and speeches of the presidents, prime ministers and foreign ministers of both countries, as well as original government documents pertaining to the Kashmir conflict. I also draw upon select newspaper articles about the conflict. In terms of secondary sources I examine journal articles, published papers, books and book chapters. I employ the tool of content analysis (Mayring 2000)⁴ to examine these relevant primary and secondary, scholarly and non-scholarly documents. By analysing this available data, I prescribe an appropriate solution to the protracted Kashmir conflict in accordance with the changing contextual conditions on the ground. I also use the above data to recommend ways of normalising bilateral relations between India and Pakistan.

⁴ Content analysis is a set of qualitative methods for collecting and analysing data from verbal and print sources. The basic principles of a qualitative content analysis include categorical workings, units of analysis validity and reliability. The central procedure of a qualitative content analysis, inductive development of categories, deductive application of categories, are worked out (Mayring 2000).

This study is grounded on the assumption that the Kashmir issue represents a threat to the security of the South Asian region and a key factor behind tense relations between India and Pakistan. The study's aim is to highlight the key themes and dimensions at the heart of the conflict between India and Pakistan over Kashmir. It also aims to address and clarify the question of the presence of an increasing link between politics and religion using the Kashmir conflict as a possible example as well as to assess the possibility of nuclear confrontation or inadvertent nuclear war between India and Pakistan in the South Asian region. In addition to that the study aims to assess how the rest of the world fits into this conflict (especially the role of the United States of America and the United Nations and other international organizations and actors within the international system) and the possibility of their intervention in ensuring peace.

Other than that this is a textual analysis of the Kashmir conflict between India and Pakistan with special focus on its implications for security in the South Asian region. It is conducted in the University of KwaZulu-Natal Howard College campus. Qualitative data from journal articles, books online reports and information from non-governmental organisations like the United Nations has been collected and analysed with the aim of highlighting the key themes and dimensions at the heart of the conflict.

The themes of this dissertation are divided into six chapters. This, the first chapter introduces the study and provides the overall background to the research topic. It identifies the research problems, questions and objectives of the study as well as the significance and methods adopted for conducting the research.

In chapter two, which comprises a literature review and theoretical framework, I review the literature on the origins of the Kashmir conflict – the beginning of the rivalries and deep seated discontents and disdain between India and Pakistan. I further evaluate the body of literature on the dimensions of the conflict and how this reflects on the general wellbeing of the South Asian region. The chapter also provides a theoretical base for the research. I claim that “Neo-Realism” and “Neo-Liberalism” are particularly relevant theories to conceptualize the dynamics of the current research.

In chapter three, I introduce the many self-help frontals adopted by India and Pakistan against each other. The chapter highlights how they view each other with suspicion due to a lack of trust. I explore the different mechanisms through which the two countries have engaged each other, even to the detriment of their regional interest. These mechanisms include: (nuclear) arms race; strategic partnerships with other countries in opposition with one another; the support of insurgencies, terrorism and counter terrorism for and against each other; and strategic competition in Afghanistan.

In chapter four I examine the different phases of the peace process, initiated and driven at different times, and by different platforms. The different peace processes initiated include: the UN-led phase; the state-led phase; the inactive phase; the insurgency phase; and the convergence phase. I also discuss briefly the suggestions by some researchers and public policy analysts on how to resolve the conflict that appear to have been ignored or failed.

Chapter five begs the question about the reasons for the failed peace processes. I take an inventory of the factors that have prevented the resolution of the conflict

between India and Pakistan. Among these factors elucidated in this study are the following: economic co-operation and competition; institutional mistrust; the religion and politics nexus; and the nature of the bilateral relationship itself.

In the final chapter, the conclusion, I provide recommendations and strategies to adopt in an attempt to end the Kashmir conflict between India and Pakistan, as well as ameliorating the impact of the conflict in the South Asian region.

CHAPTER TWO

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

A REVIEW OF THE LITERATURE

Many scholars who focus on the Kashmir conflict have shed light on its origins. For example, Korbel (1956) and Mohan (1992) blame British colonialism for the birth of the conflict. In their analysis, they stress that mutual suspicion, hatred, and anger have almost thwarted the long-standing agreement between the governments of India and Pakistan, and prevented the fate of Kashmir being decided by the democratic process of plebiscite (Korbel 1956; Mohan 1992). Sharing a similar viewpoint with them, Ninian (2009) and Akhtar (2010) further add that deeply rooted political rivalries between the major religious communities of the subcontinent, and the greed or personal shortsightedness of the leaders on both sides of the border are the root causes, obstructing an amicable, peaceful solution to the conflict. Echoing Korbel, and Ninian, Ahmed (2002) argues that the partition of British India into India and Pakistan epitomizes the politics of identity in its most negative form. He emphasizes that the partition has replaced trust and understanding with fear and insecurity generating anger at various levels of state and society (Ahmed 2002).

The findings of Choudhry and Akhtar (2010), Misra (2007), Shekhawat (2009), and Yusuf & Najam (2009) all are significant to this study. These researchers, however, focus mainly on various aspects of the peace process between India and Pakistan. Choudhry and Akhtar (2010), for example, analyse the way in which the Kashmir conflict has become a source of tension between these two countries. Revisiting the

past peace processes, they urge the leaders of both countries to embrace much larger and longer strategic perspectives without sticking only to Kashmir as a national policy. In their analysis, Choudhry and Akhtar (2010) discover that the issues of Kashmir and terrorism are the major impediments to peace between both countries. While echoing their view, Shekhawat (2009) suggests that economic reconstruction and development coupled with the sensitive handling of the volatile situation by all the parties involved in the conflict can bring peace to the region. From a pro-Indian standpoint, Misra (2007) blames Pakistan's double-edged policy of talking peace - while supporting Jihad in Jammu and Kashmir - for the failure of peace negotiations. In contrast to their pro-Indian line, Yusuf and Najam (2009) take a more pro-Pakistan stance. They recommend four types of solutions to the conflict: first, an option of direct vote by the people of Jammu and Kashmir⁵; second, independence for part or all of the state; third, autonomy; and fourth, partition (Yusuf & Najam 2009).

While many researchers focus on the peace process, a few have assessed the role of the United States of America (USA) in facilitating the peace talks between the two countries. For example, Indurthy (2005) and Ragavan (2009) elaborate as to why it is propitious for the USA to play the role of a facilitator to help end the conflict. They also portray the shifting stance of the USA from one of supporting a plebiscite during the Cold War era to one of supporting the Simla Accord of bilaterally resolving the conflict during the post-Cold War era (Indurthy 2005; Ragavan 2009). In addition to the studies discussed above, some researchers have focused on the policies of China towards the Kashmir dispute between India and Pakistan. For

⁵ Strong indications suggest that a referendum in these territories will likely tilt towards independence and ultimately this will favour Pakistan. Why? This is because Pakistan would rather share a border with an independent Kashmir than with India.

example, Garver (2004) elucidates six distinct Chinese policies that impinge on the Kashmir issue. In his policy elaboration, he accuses China of using Kashmir to achieve diplomatic leverage with both New Delhi and Washington (Garver 2004).

A further theme in the scholarly literature on the Kashmir conflict is that of accommodation and peaceful conflict resolution. For example, Mitra (2001) explains why an arms race goes on in South Asia. She provides new insights into conflict resolution and a theoretical basis for confidence-building measures in South Asia. She blames the uncertain power equation between the civil and military leadership in Pakistan as an obstacle to peace between India and Pakistan. Moreover, she concludes that democracy is the path to regional peace in South Asia (Mitra 2001). Besides the emphasis given to conflict resolution, studies are also carried out to discover the dynamics of the Indo-Pakistan bilateral relationship. Mukherjee (2009) looks at the relationship especially from an Indian angle. While examining the sources of co-operation and competition, he points out three structural factors shaping the bilateral relationship.⁶ Moreover, he advises India to adopt an engagement strategy to serve its interests better, rather than a hedging strategy⁷ that it is currently adopting towards Pakistan (Mukherjee 2009).

Besides the emphasis on the sources of co-operation and competition, other studies focus upon the areas of security co-operation between India and Pakistan as well.

⁶ Three developing structures that can shape their bilateral relationship are: Learning from past crisis; assessment of internal and external threats by decision makers; and thirdly, lobbying of civil societies on both sides in order to develop trade and business linkages among the two states.

⁷ Hedging is a strategy that looks to supporting/strengthening opposing elements with a another country as a way to attaining broader set objectives. Hedging is almost opposite to (direct) engagement with its opponent. An example of this is when the former US secretary of state Hillary Clinton accused Islamabad (Pakistan Government) of supporting terror outfits as a hedge against India and an unfriendly Afghan regime, so that the two neighbours of Pakistan do not undermine it. 'They (Pakistan) have in the past hedged against both India and an unfriendly regime in Afghanistan by supporting groups that will be their proxies in trying to prevent either India or an unfriendly Afghan Government from undermining their position,' she said (The Times of India, 2010).

For example, Sridharan (2005) explores the possibility of economic co-operation spilling over into security co-operation. Viewing the India-Pakistan relationship through the concepts of cumulative relative gains sensitivity, he argues that the economic co-operation between both countries depends on either prior security co-operation or de facto deterrence. Moreover, he asserts that since both countries have achieved nuclear deterrence, the cumulative relative gains sensitivity of both sides can be subdued to improve economic co-operation that can create positive security spillovers (Sridharan 2005).

Some researchers have focused on Indian and Pakistani competition in Afghanistan. For example, Ganguly and Howenstein (2009) assess the role of India in Afghanistan in the context of Indo-Pakistani rivalry and discuss the implication for American policy. In line with them, Wirsing (2007) in analyzing Indo-Pakistani rivalry in Afghanistan concludes that India's growing influence there, coupled with its strategic partnership with the USA, is bound to have an important bearing on the evolution of the war in Afghanistan (Wirsing 2007).

In addition to the studies discussed above, some researchers concentrate on the theme of human rights in Kashmir. For example, Sarkaria (2008) unearths the widespread, systematic human rights abuses occurring in Indian-administered Kashmir, which is the site of constant conflict and continuous uprisings. While acknowledging the fact that the Pakistani-administered territory is by no means free of human rights issues, she stresses that the worst human rights violations are taking place in the Indian-administered Kashmir. She accuses Indian armed forces of engaging in gross human rights violations in the form of arrest, torture, rape, forced disappearances, extra-judicial killings, and the like (Sarkaria 2008). She also

criticises India for turning the beautiful Jammu and Kashmir into one of the most militarised regions in the world by deploying more than 400,000 troops in the valley. Sharing a similar viewpoint with her, Navlakha (2000) and Noorani (2003) characterise the atrocities of the Indian armed forces as state terrorism and a matter of national shame.

A study conducted by Tavares (2008:276-302) is amongst the studies showing that the tension between India and Pakistan has a long history and remains complicated for external actors to resolve it. This comes as no surprise to most commentators as such statements are consistent with a strong view held by India that the Kashmir issue could only be solved bilaterally by India and Pakistan. Another point which is also consistent to that is the point shared by scholars, among them: Habibulah (2004:01) who appear to be convinced that both countries remain uncertain in terms of settling the issues that divides them. The majority of literature encountered from the mentioned authors made use of the conflict resolution framework; and some took comparative approaches on issues relating to the Kashmir conflict and its implications on Pakistan-India relations, as well as regional security more broadly. Despite this not being articulated in the majority of these studies, it was also evident that this was also a historical approach, tracing the origin of the conflict from the early years of the partitioning of the British-Indian subcontinent. Specifically, Tavares (2008:276-302) points out that his article makes use of a conflict resolution framework while other authors like Habibulah (2004:01-16) seem to have adopted what appears similar to the historical approach. Much of the Habibulah article credits the tense nature of the interrelations between India and Pakistan to the 'unfinished businesses' inherited from the partitioning of the Indian sub-continent.

There were also elements of what can be interpreted as an integrative approach which appeared specifically in the work of Vaish (2011:53-80). Vaish (2011:53-80) believes that the Kashmir issue is a combination of geopolitical, historic, economic, sociological as well as identity related factors. Structural factors also provide some explanation of the tension between India and Pakistan. Vaish (2011:55) points out that some of the explanations of the tense relations between India and Pakistan are a clear depiction of the negative legacy of colonialism in conjunction with ideological differences after the partitioning of the Indian sub-continent, as well as different religious commitments.

The above proves justly the argument presented by Vaish (2011:55) who stipulates that following independence and the partitioning of the sub-continent, religious tensions rose sharply and had profound implications on resource distribution, especially land related issues between the Muslim and Hindu populations. To illustrate this, Vaish (2011:54) saw that “at independence India was partitioned into two separate nations: India and Pakistan...the Kashmir conflict is the major source of the tension between India and Pakistan. Each controls a portion of Jammu and Kashmir which is divided along the lines of control (LoC)”. This means that most of the explanations of the Kashmir conflict and its implications on India-Pakistan relations take into account its historical background prior to contemporary developments.

The most common themes that emerge from the literature on the Kashmir conflict that I have reviewed here revolve around an economic dimension, geo-politics, history, and issues of identity politics where culture and religion are prominent. Some of these themes have sub-themes embedded within them. One of the

dimensions that can be identified in this literature on Kashmir is its implications on security in South Asia. Indian-Pakistani relations have to do with a long unresolved history between these two nations, which was identified by Vaish (2011:55). There was also a level of consistency confirmed by Krepon (2013:01) in terms of poverty combined with power imbalance between distinct ethnic and religious groups throughout history as key in accelerating ethno-religious violence.

A dimension that comes out of the studies conducted by Krepon (2013:01-02) and Khan (2013:01-03) is the economic dimension. Khan (2013:01) points out that South Asia have witnessed promising commercial negotiations between India and Pakistan. This reveals an important fact pointed out by Habibullah (2004:06) whose historical review reveals that even at the time of independence, India and Pakistan were heavily dependent on each other and the governments of the two countries seem to recognise this even today. The point being emphasised here is that rising global trends towards economic integration suggest that economic autarky has become almost impossible. However, most of these positive developments in relations between India and Pakistan seem to offer little in terms of smoothing the tensions between these countries. Jayasekera (2013:01) agrees that both countries seem to be aware of the benefits that they can achieve if they sort out their differences. “Each side calculates that bilateral ties, particularly in economic and trade sectors, developing between them will boost their economic interests, though they do not necessarily coincide” (Jayasekera, 2013:01). Again this reveals the strategic nature of the Kashmir issue between India and Pakistan, especially a point that there is little cooperation among these parties.

Another point is that there seem to be negative consequences from the observed politics of exclusion (where one finds groups referred to as refugees, minorities and aliens, and the 'us against them' attitudes) where groups like the Hizbul Mujahedeen takes advantage of getting easy recruits who seek 'easy money'. A gap I have observed in the literature is that not much is said about the consequences of these social exclusions and the result of the creation of easy recruits by terrorist groups in terms of combating terrorism and its implications to the security of the South Asian region. At times it appears paradoxical that scholars like Dasgupta (2012:86) believe that economic deprivation experienced by the Kashmiris has no apparent influence on the Kashmir issue. This also poses questions about the importance of Kashmir to Indian and Pakistani relations since Kashmir is said to have less than enough to offer in terms of neither natural endowments nor human capital. At the same time, James and Ozdamar (2008:462) maintained that Kashmir is a region of great geo-strategic importance for economic and political security. According to James and Ozdamar (2008:462) "literature on Kashmir does not consider the economic dimension as a significant source of the conflict: Kashmir simply has little substantial economic value for either India or Pakistan".

However, there seem to be little recognition in terms of the issues which have made meaningful turning points in similar cases like the one involving China and Taiwan. "A nuclear arsenal built on very weak economic foundations is inherently unstable, which is reason enough for India to pursue sustained and accelerated trade and investment opportunities with Pakistan. These methods have dampened tensions between China and Taiwan could also serve a similar purpose on the subcontinent" (Krepon, 2013:01). This means that the potential of enhanced economic ties between India and Pakistan remains underestimated in terms of bringing about a

decline in the tensions between them. This is because evidence found by Krepon (2013:01) suggested that when economic ties are strong between nations, conflict tends to jeopardise the much valued business interest of both parties.

Habibulah (2004:01) concurs that the major contributor to the tensions between India and Pakistan is the much contested status of Kashmir. Another dimension pointed out from this is the dimension of geo-politics. Habibulah (2004:01) cites the point that following the 1999 confrontations, restoration of democratic peace in Kashmir seems to have provided effective answers to religious based terrorism which is one dominant variable in this issue. Again there seems to be consensus in the scholarly literature that the tense relations between India and Pakistan on the Kashmir issue could result in catastrophic damages for innocent civilians if the arms race and the resulting security dilemma between these two nations leads to nuclear confrontations. Krepon (2013:02) states that the safest route to reduce nuclear dangers on the subcontinent is through concerted efforts to improve relations between Pakistan and India. For Krepon, the surest way to do this is by greatly increasing cross-border trade. Again, nuclear rivalry has been cited by most scholars, including Tavares (2008:277), as one of the factors holding back a possible solution to the Kashmir issue as well as good relations between Pakistan and India and thus greatly undermining regional security. Again much of the literature on the Kashmir issue emphasises the causes of the Kashmir problem, rather than potential solutions to it. There seems to be a growing consensus that the Kashmir issue is very difficult to resolve and thus a gap exists insofar as finding solutions is concerned.

Another dimension of the Kashmir issue is that of self-determination and sovereignty. Vaish (2011:53-83) presents a distinct explanation to this issue assuming that there are also difficulties which appears highly associated with the complexity of international law as well as its interpretation. It is important to recall that issues of sovereignty, territorial integrity and the principle of sovereignty are paramount features articulated within the doctrine and norms of international law. Vaish (2011:53-80) suspects that at the heart of the difficulty of attaining a solution to the Kashmir conflict lies in the accusations of each country towards the other on the grounds of the violation of fundamental rights each states derive from international law. This is confirmed by Tavares (2008:277) who stresses that “Kashmir is neither a territorial nor religious dispute, it’s about sovereignty” (Tavares, 2008:277). In addition to that the people of Kashmir are said to have given up on the institutions of democracy and resorted to extra-institutional methods through the power of guns to fight for what they refer to as the ‘cause of self-determination (Tavares, 2008:277). Apart from the involvement of the United Nations and the United States of America the literature does not really consider other key actor within the international system such as regional power blocks and non-governmental organisations. Liberal ideas place more emphasis on resolving conflicts through democratic means (mediation and so on), but less is said about any other mediator’s involvement in the Kashmir issue.

Tavares (2008:277) further points out that the dilemma of this issue is that there seems to be some inability to grasp the idea that besides the inter-state conflict between India and Pakistan, Kashmir is also an armed conflict between Kashmiris and India over the right to self-determination. According to Tavares (2008:277) clashes also exist between Indian and religious militants who are waging a jihad to

create a theocratic state. The nature of the dilemma also lies in the zero sum game nature of the situation between Pakistan and India in terms of the type of solution to be adopted for the stalemate which remains unresolved for quite a long time. “While there has been several occasions of clashes between the two armies along the LoC dividing Kashmir since the 2003 ceasefire, both New Delhi and Islamabad have said that they want to contain tensions along the LoC from escalating into a broader conflagration, fearing it will undermine the “composite dialogue” process between them” (Jayasekera, 2013:01).

Another point is that there is consistency which is also seen by Vaish (2011:53-54) on the view that “in recent history, conflict have rested on the twin prongs of ‘identity’ based on religion, culture, language, distribution of political, economic and social power”. The conflict between India and Pakistan reveals the majority of the characteristics associated with identity amongst them are Islam and Hinduism together with sentiments regarding the distribution of land in Kashmir (Vaish, 2011:54). Amongst the cited authors Dasgupta (2012:84) indicates the importance of ethnicity and its ability in shaping ideological commitments of the leadership of India and Pakistan. The point worth noting concerns the power of ethnicity to provide individuals with some sense of belonging within society. However, much of the work reviewed by the authors mentioned herein seems not to have related the Kashmir issue with Samuel Huntington’s theory of the clash of civilizations (Hindu versus Islamic civilization) and one of the aims of my study is to see how this theory manifests itself in the Kashmir issue.

In addition, Dasgupta (2012:87) states that as much as the bonds of ethnicity increase during conflict times, it appears that the Kashmir conflict is one where

there have been weaker bonds of gender and increased competition for resources; like firewood for fuel and light. This is because Dasgupta (2012:87) believes that the rate of female-headed households increases during conflicts and places them under conditions where they feel vulnerable to violence. Whilst gender highlights the social roles between males and females, the articulation of the extent to which females are marginalised and isolated in the Kashmir problem remains minimal (Vaish, 2011:54). There has been less inclusion of women from Kashmir in almost all peace initiatives and less attention to their experiences during the conflict and in peace making initiatives (Dasgupta, 2012:84). Beyond the concentration on identity, other state-level factors can be placed under more intense study and analysis. For example, less is mentioned about the role of foreign policies and national interest in the Pakistan-India relations which is more complex. Again the reviewed literature seems to have neglected issues relating to the laws/rules governing wars/conflicts, specifically the violation of rules regulating the targeting of women and children in armed conflicts.

It is crystal clear that there is an abundance of literature focusing on the Kashmir conflict, the peace processes, the arms race, the economic co-operation and competition, the nuclear programmes of India and Pakistan, and human rights abuses. There is virtually nothing, however, being documented on how the Kashmir Conflict has been impacting on Indian-Pakistan relations, especially after the Mumbai attacks in 2008. Although there are some studies that concentrate on the bilateral relationship in the distant past, they compromised academic objectivity and neutrality. In other words, they were subtly advancing either pro-Indian or pro-Pakistani standpoints with carefully-crafted words. Moreover, those studies had been undertaken well before the Mumbai attack. Since then much political water

has flowed under the bridge of Indian-Pakistan relations. It warrants fresh analysis and a theoretically-rigorous research framework to inform debate and deepen the understanding of the impact of the Kashmir conflict on Indian-Pakistan bilateral relations. In order to fill this knowledge gap, this dissertation specifically focuses on how the Kashmir conflict affects the bilateral relations between both countries and how this impacts on the security environment in South Asia. In this respect, this study is unique.

Despite this, this dissertation has several limitations. First, Kashmir remains a politically volatile part of the world and the situation on the ground can change quickly. Hence, the findings of this study cannot apply indefinitely. Second, owing to time and financial constraints, this research has been conducted from South Africa, without visiting the area under study. Nonetheless, while it is important to acknowledge these weaknesses, they do not detract from the value of this study. Indeed, the study provides insight into the bilateral relations of India and Pakistan in the context of the Kashmir conflict. More importantly, I prescribe an appropriate solution to the conflict in accordance with the changing contextual conditions on the ground. I also recommend ways of normalising the bilateral relations between both countries and in South Asia in general. Above all, these factors add to a growing body of literature fulfilling the knowledge gap in the field of discourse as earlier stated.

THEORETICAL FRAMEWORK

“Neo-Realism” and “Neo-Liberalism” are particularly relevant theories to conceptualise the dynamics of this research topic. Both are status-quo oriented,

problem-solving theories. They share many assumptions about actors, values, issues, and power arrangements in the international system. Both theories relate to two different worlds. While neo-realists focus on security issues, being concerned with issues of power and survival, neo-liberals study political economy and focus on co-operation and institutions (Dunne & Schmidt 2006; Lamy 2006). Other theories with relative relevance for the study fall within the frame of constructivism and conflict resolution.

For neo-realists, states are self-interest oriented, and an anarchic and competitive system pushes them to favour self-help over cooperative behavior (Baylis 2006; Lamy 2006). This standpoint helps one to understand the arms race taking place between India and Pakistan. Moreover, it enables one to comprehend the alliance-building efforts of both countries, especially India's strategic partnership with the USA and Pakistan's partnership with China. Further, neo-realists argue that states are rational actors, selecting strategies to maximise benefits and minimise losses.

There are two barriers to international cooperation and they include a fear of those who might not follow the rules and the relative gains of others (Lamy 2006; Sridharan 2005). This explains why little economic cooperation has taken place between India and Pakistan. Importantly, this explains why the grand energy cooperation of building the Iran-Pakistan-India (IPI) and Turkmenistan-Afghanistan-Pakistan-India (TAPI) pipeline projects have not materialized. The above mentioned assumption of neo-realism enables me to look at the issue from a security perspective.

For neo-liberals, co-operation is easy to achieve in areas where states have mutual interests. They believe that actors with common interests try to maximize absolute

gains for all parties involved, as opposed to the belief of neo-realists that the fundamental goal of states in a cooperative relationship is to prevent others from gaining more (Lamy 2006). This perspective of neo-liberalism explains how the Indus Waters Treaty (IWT), the only major economic co-operation agreement between India and Pakistan has been signed and has successfully survived. Further, it would explain the growing co-operation between the civil societies of India and Pakistan. Moreover, neo-liberals believe that institutions and regimes facilitate co-operation mitigating the constraining effects of anarchy on co-operation (Lamy 2006). Neo-liberalism provides the possibility of examining this issue from the perspective of economic co-operation. Further, it enables me to analyse the possibilities of a negotiated settlement to the Kashmir conflict through cooperative measures between India and Pakistan.

In this dissertation I choose three specific concepts advanced by neo-realists and neo-liberal theorists to explore the three cardinal objectives of this study. First, the issue of the balance of power is considered. Here I confine myself to Kenneth Waltz's discussion on how the balance of power pushes states towards negotiation and compromise for the satisfaction of their interests. Waltz looks at the concept from a neo-realist perspective. He argues that the balance of power between states limits their behaviour because they cannot be sure that the aggressive promotion of their interests would bring success. Since the war between balanced forces is more likely to end up in a stalemate, he posits that states resort to negotiation (Beckman 1995). Therefore, his concept provides a theoretical framework to assess whether a negotiated settlement is possible in the persisting Kashmir conflict in the wake of the Mumbai terrorist attacks.

Second, I explore the theme of security. Here I confine myself to Kenneth Waltz's discussion on how states protect themselves and promote their interests. Looking at the concept from a neo-realist perspective, Waltz argues that security is the central concern of states and they strive to maintain their position (Beckman 1995; Lamy 2006). Since Kashmir is of paramount importance to the security of India and Pakistan, both countries have opted to take various measures to ensure their national security and interests. As a result, the Kashmir conflict affects their relations in various ways. Therefore, his concept provides a framework to identify how the persisting Kashmiri conflict affects the bilateral relationship of India and Pakistan.

Third, looking at the concept of economic co-operation, I adopt David Baldwin's discussion of how economic co-operation improves the relationship and mitigates the conflict between states. Baldwin, in using a neo-liberal perspective, advocates free trade and economic co-operation as the way towards peace and prosperity. He posits that the closer economic co-operation mitigates the conflict and improves the relationship between states (Dunne 2006; Lamy 2006). Therefore his concept offers another framework through which to discover whether pursuing policies that enhance regional economic integration and growth would narrow the scope of the Kashmir conflict and improve the bilateral relations.

These are useful, albeit to a lesser extent, as analytical tools of the dimensions shaping the Kashmir conflict. It is important to take into account that the theoretical frameworks chosen in this study were chosen on their perceived complementarity with liberal ideas and their consistency with the dimensions explaining the Kashmir issue. Mallon (2007:94) states that "social constructionists are particularly

interested in phenomena that are contingent upon human culture and human decisions...” This means that constructionists’ ideas explain how individual/group decisions and culture shape the world and events in the study of international relations. For instance, the economic dimension of the conflict can be seen in a manner consistent with liberal ideas, where through capitalist private ownership of property, social exclusion and economic inequalities are paramount. The constructionist paradigm’s interpretation of this could be that due to the private ownership of property under capitalism, clashes on the basis of unequal distribution of economic opportunities normally generates conflicts.

According to Finnemore and Sikkink (2001:392) the constructivist paradigm “...asserts that human interaction is shaped primarily by ideational factors, not simply material ones; that the most important ideational factors are widely shared or ‘inter-subjective’ beliefs, which are not reducible to individuals...” This explains the interplay between cultural identity and identity politics in the Kashmir issue. In addition Ruggie (1998:856) in Finnemore and Sikkink (2001:392) state that “constructivism is about human consciousness and its role in international life”. They focus on the impact of ideas, norms, knowledge, culture and argument in politics with more emphasis on group ideas interpretation of social life. This means that constructionist analysis is mainly concerned with how changes in social facts affect political decisions. Among these social facts they look at the impact of material factors, issues relating to freedom, rights and other factors which possess no concrete material reality in arriving at conclusions. “Ontologically, the constructivist paradigm utilises an ideational ontology... it offers a framework for thinking about the nature of social life and social interaction but makes no claims about their specific content” (Finnemore and Sikkink, 2001:393). This paradigm

views identities and interests as key in understanding individual and group social and political behaviour. Inequalities and power relations inevitably lead to the construction of roles where some groups' status is inferior or superior to others. Not surprisingly, Barnett (1996) in Finnemore and Sikkink (2001:399) saw that "identity was mainly a domestic attribute arising from national ideologies of collective distinctiveness and purpose that in turn shaped states' perceptions of interest and thus state policy". Social and political motivations are key features of the construction paradigm. Mallon (2007:97) further states that "humans reflectively theorise about what sort of things they are, their representations may affect their circumstances and dispositions in ways mediated by their own theorising". This can be seen as the epistemological part of the constructivist paradigm.

A "philosophical discussion of construction distinguishes two foci of constructionist work: one centred on our ways of thinking about, representing or modelling the world and the second centred on parts of the world itself, construction of "ideas" and "objects" (Mallon, 2007:95). To illustrate this point I identify the dimension of identity politics which is also at the heart of the Kashmir conflict between India and Pakistan. Kaya (2007:705) describes identity politics as peoples' politics contingent upon traits of their identity over race, religion, ethnicity, ideology, culture and history, to name a few. Again liberalism, through liberal democracies always emphasises individual freedoms where people are free to choose their religious, ideological affiliation and express themselves freely. Identity politics manifests itself in the Kashmir issue through conflicting cultural nationalism (between Islamism and Hinduism), ethnocentrism and religion (see chapter conclusion).

Another dimension which played an important role in choosing the theoretical frameworks shaping this study is that of geo-politics. The territorial dispute between India and Pakistan reinforces the idea of the importance of land power and its impact on international relations. Traditionally land played, and continues to play, an important role in determining state power critical for military strategic planning. Even though Kashmir has no concrete importance to India and Pakistan in terms of economic strategic importance and natural endowments (apart from its natural beauty and attraction to tourists) the population within the Kashmir territory is important for military mobilisation (Krepon, 2013:01). Additionally, “As long as identity remains unspecified, it will produce very particularistic explanations of state action and provide little hope of contingent generalisations about identity in world politics...states may have multiple identities- a democratic state, a capitalistic state, an Islamic state, a European state.” (Finnemore and Sikkink, 2001:399). International organisations remain key agents of construction and help introduce and maintain international norms and models of political organisation.

I also make use in this study of a conflict resolution framework. “...Conflict resolution means terminating conflict by methods that are analytical and that get to the roots of the problem. Conflict resolution, as opposed to mere management and ‘settlement’, points to an outcome that, in the view of the parties involved, it is a permanent solution to the problem” (Burton, 1991 in Cunningham, 1998:pp). Any attempt to resolve the Kashmir conflict between India and Pakistan needs to consider conflict resolution as one approach among those available. According to Burton (1991) in Cunningham (1998) exclusionary politics experienced by different identity groups within societies where there is a construction of ‘elites and minors’ inevitably leads to conflicts. The relevance of this approach is that it is consistent

with the dimensions shaping the Kashmir conflict, since a conflict resolution framework suggests that groups in conflict must attempt to resolve their problems analytically and systematically with the intervention of third parties in the form of mediators to facilitate the transition to peace. This comes after the recognition that bargaining may break-down if grievances and pay-offs between conflicting parties may be different.

Hence, a conflict resolution approach points out that parties involved in conflict must have a mutual understanding about the stakes and importance of settling their differences to ease the process of achieving peace. Burton (1991) further states that “conflict resolution is, in the long term, a process of change in political, social, and economic systems. It is an analytical problem solving process that takes into account such individual and group needs as identity and recognition, as well as institutional changes that are required to satisfy these needs”.

CONCLUSION

The literature on the many ramifications of the Kashmir conflict, as it involves India and Pakistan, is indeed replete. Yet, many angles and twists in the issues suggest that a more nuanced reflection is needed in terms of further scholarly research. It is even more complicated when one considers the fact that the nations and areas in conflict are multiform and complex. One such factor is that religion and nationalism in the South Asian region is somewhat akin to that of the Middle East and quite different in meaning when compared to that of Europe and America. Religion and nationalism thrives beyond borders and is further influenced by culture. In terms of suggested solutions, there appears to be no holistic and

mutually beneficial options in sight. Thus both India and Pakistan are resolved to seek self-help measures.

CHAPTER THREE

SELF-HELP MEASURES

INTRODUCTION

Since the middle of the 20th century, India and Pakistan see themselves through the prisms of competition and enmity. Due to a lack of trust, they have both adopted measures to entrench their self-serving interests as against the collective interests of South Asia. In the spirit of strong competition and a strong inclination to preserve their security against the other, they each adopt a stance of self-help. First, they continue to seek measures that will strengthen their military power, with less consideration for its consequences. This has manifested in the arms race in the region. Second, to pre-empt the possible strategic superiority of the other, both India and Pakistan strive to ensure a balance of power in comparison with the other. Thus, they build alliances in the form of strategic partnerships with other global powers. Third, each accuses the other of supporting insurgency inside the other. As arch-enemies, they attempt to weaken each other through subterfuges. Finally, they also extend their competition beyond their own geographical space and into third states, such as Afghanistan, to maximise their interests (Mukherjee 2009; Pavri 2009).

In sum, the two countries engage in an (nuclear) arms race, develop strategic partnerships with other countries in opposition with one another; support insurgencies, terrorism and counter terrorism for and against each other; and ultimately compete for interests in other states like Afghanistan. In this chapter, I

explore these different mechanisms through which India and Pakistan have engaged each other in the region.

NUCLEAR / ARMS RACE

Both India and Pakistan are busy building their military machines, triggering an arms race in the region which dates back to the 1960s. Despite denials, both have engaged in a tit-for-tat military build-up. Especially after the peace talks stalled in 2001, their military spending has burgeoned each passing year. Both countries are replacing their ageing fleets with state-of-the art warplanes. They are actively developing their missile and submarine forces. Moreover, they are stockpiling their nuclear arsenals and modernising their delivery systems (Nelson & Farmer 2011). As a result, South Asia has become the only region in the world where a nuclear arms race is still going on.

Worsening the crisis situation, competing global powers continue to extend their support to either of their strategic partner in South Asia. While the Western powers⁸ and Russia back their strategic partner, India, China supports its strategic partner, Pakistan.⁹ More importantly, the USA agreed to supply civilian nuclear-power technology to India in 2008 against strong opposition from China and Pakistan. Following the agreement, the USA also supports Indian membership of the Nuclear Supplier's Group, and of the Missiles Technology Control Regime (Smith & Warrick 2009). On the one hand, the support from the USA enhances India's

⁸ The Western powers include the United States, Canada, Australia and other Western European countries. In this dissertation it predominantly refers to the United States, Britain, France, and Germany.

⁹ The role of BRICS and why China supports Pakistan instead of India since India and China are BRICS members does not factor much since China military and strategic thinking has been geared to support opposing sides when-ever the United States for instance chooses a side. This is more so in a geographical space (South Asia) that China views as its sphere of influence particularly in nuclear related matters. Second, India has been trying to march China military superiority in the past.

nuclear weapons and its delivery capability. On the other, it increases the concerns of Pakistani leaders that India would gain a seat at the world's nuclear inner circle and block nuclear technology to their country. Moreover, it upsets the balance of power and fuels the arms race in the region.

Aspiring to become a regional power, India focuses on matching China's military build-up and capabilities. Moreover, its military expansion is increasingly aimed at the strengthening Sino-Pakistan military alliance. At the same time, Pakistan tries its best to maintain a rough parity with India. It, however, has a relatively smaller economic base and population compared with India. As a result, it spends nearly 35% of its budget for the military, in contrast to India's roughly 4.2%. In comparison with India, Pakistan pays a heavy price, impeding its own development (Mukherjee 2009; Reincourt 2001). While experiencing economic crises at home, Pakistan continually engages in an arms race with India, a fast-growing economic power. It raises the question of Pakistan's ability to afford and sustain the arms race. Besides, India might use the arms race as a strategy to cripple Pakistan's economy and ultimately to weaken its enemy. However, Pakistan is not committed to the nuclear doctrine of "no first strike use", and has threatened to use its nuclear arsenal against India during the crises (Hussain 2011; Paul 2006).¹⁰ Therefore, the recurring crises, coupled with the arms race, have cast a permanent shadow of a potential nuclear war in the region. Above all, it hinders both countries from pursuing the path of peace.

There is also the possibility of a nuclear confrontation over the Kashmir crisis and this is one of the overall consequences to the security of South Asia. Since 1945 the numbers of states with nuclear weapons has increased, while at the same time India

¹⁰ This is probably Pakistani attempt to end the arms race they can not sustain economically

and Pakistan have become well-known nuclear powers within the South Asian region. According to Nicholson (2002:130) “...nuclear weapons have not been used since the end of the Second World War” apart from the atomic bombing of Hiroshima and Nagasaki in Japan by the USA. Apart from that the debate surrounding the further use of nuclear weapons went mute until the Cold War period, which was characterized by fears of the threat posed by these weapons and the survival the world. This reveals an important factor that advances in military technology have changed the art of war. The 1998 nuclear tests conducted individually by both India and Pakistan in conjunction with inconsistent interpretations of the Cold War undoubtedly spearheaded the debate over the possibility of a nuclear war between the two South Asian giants (Ganguly and Wagner, 2010:479).

Nicholson (2002:130) states that “...strategic studies which deals with military matters, how the military system works, how to achieve advantages in military situations, and how to achieve military stability” have contributed to the development of the doctrine of nuclear deterrence. In most cases this doctrine uses the context of the Cold War as a point of reference in attempts to explain how strategy is important in war and especially in nuclear confrontations. Most scholars including Nicholson (2002:131) believe that “between India and Pakistan, the nuclear threat is open”. Apart from the 1996 Comprehensive Test Ban Treaty (Center for Nonproliferation Studies, 1996)¹¹ India and Pakistan (which are not signatories) conducted their nuclear tests in 1998. India was the first to conduct the test and Pakistan followed in response. There is no doubt that these actions by two

¹¹ The 1996 Comprehensive Test Ban Treaty is a multilateral treaty by which states agree to ban all nuclear explosions in all environments, for military or civilian purposes. It was adopted by the United Nations General Assembly on September 10, 1996 (United Nations, 1996)

South Asian giants further worsened the tension between them. Using arguments presented by the doctrine of nuclear deterrence I will argue that the possibility of a nuclear war between India and Pakistan remains open. I will also argue that any confrontation or war between India and Pakistan, either nuclear or conventional, will come as a result of meaningful considerations of all the factors that might affect the outcome of who wins and who loses. Thus war will not be an accidental event, as neorealism theory suggests.

This section does not overtly focus on the technicalities of the doctrine of nuclear deterrence (Holloway, 1979; Freedman, 2004) as such. Rather attention is drawn to the idea of ‘mutually assured destruction’¹² which is core in how this doctrine operates. Nicholson (2002:131) describes the idea of ‘mutually assured destruction’ as “...a very unpleasant way of reasoning where... we the government of A, will not initiate a nuclear attack on B. However, if country B should attack us, then we will respond with a nuclear attack. Thus any attack on A by B would be self-defeating. Though B can attack A, it will only be at a cost of being itself destroyed”. Taking into account the idea shared by scholars like Ganguly and Wagner (2010:501) that India has conventional military power over Pakistan, means the idea of mutually assured destruction may well apply in the India-Pakistan scenario. Theoretically, this means that India may not attack Pakistan only if Pakistan does not provoke India to do so. But if Pakistan attacks, India may retaliate. Both countries have enough information about each other’s nuclear capabilities such that any attack on the part of Pakistan might result into complete

¹² Mutual(ly) Assured Destruction (MAD) is a doctrine of military strategy and national security policy in which a full scale use of high yield weapons of mass destruction by two or more opposing sides would cause the complete annihilation of both the attacker and the defender.

annihilation of the entire Pakistani population and terminate the chances of retaliation.

It is important to recall that there are conditions outlined within the nuclear deterrence doctrine which must be met in order for war not to break out. These are: 1) if a rival attacks, there must be a maintained capacity to retaliate; 2) Command, Control, Communication and Intelligence measures must be in place to organize a counter-attack; and 3) both rivals must believe that each opponent will be keen and capable of retaliating (Nicholson, 2002:133). What makes the India-Pakistan scenario fit well with this idea is that “India has declared that it will use nuclear weapons only if Pakistan uses nuclear weapons first. But Pakistan has threatened to use nuclear weapons in response to a conventional attack by India” (Ganguly and Wagner, 2010:483). Therefore, given these arguments, and current improvements in intelligence forces, one believes that any nuclear war between India and Pakistan will not be accidental. Rather, one party would have made meaningful calculations of the possibility to win and prevent retaliation. If states possess enough knowledge about the dynamics of nuclear deterrence and the idea of mutually assured destruction then statements by Nicholson (2002:138) such as “perhaps the relationship between India and Pakistan is more stable than less because of general fears of the nuclear capabilities of each other” are more convincing because states in nuclear situations begin to act more cautiously and any of their actions are carefully thought out, thus not accidental.

Theoretically, it will be a huge mistake for any military strategist or political analyst to ignore the possibility of an accidental nuclear war breaking out because leaders interpret the actions of each other in different ways and there is always a

possibility of errors of judgment. To illustrate this point Snyder (1965:199) in Ganguly and Wagner (2010:181) argue that there is an inevitable causal-relationship between conventional war and inadvertent nuclear war. This causal relationship manifests itself through the break-down of the concept of ‘strategic balance of terror’¹³, commonly known as the ‘stability/instability paradox’ (Snyder, 1965 in Ganguly and Wagner, 2010:181). The possibility of a nuclear war in South Asia has created a heated debate among scholars with different views. There is a wide audience holding the view that conventional war is more likely than nuclear war given the arguments presented by the nuclear deterrence doctrine. To support this statement Ganguly and Wagner (2010:481) state that,

“...disagreements about the likelihood of inadvertent nuclear war in South Asia have so far made conventional military conflict more likely than it would be otherwise - which explains why, after developing nuclear weapons India and Pakistan fought one conventional conflict (between May-July 1999)...”.

Another point worth noting to support the view that an inadvertent nuclear war could be prevented is that the world has become more globalized and states are now more interdependent. Even though it remains that there is no solution to the Kashmir issue and relations between India and Pakistan remain tense, this interdependence means that there are greater chances to find a solution either by the rest of the world or bilaterally. This interdependence also means that since the end of the Cold-War the world has seen states making considerable changes in their foreign policies (which are like rules clearly outlining a country’s priorities and its

¹³ Balance of Terror is the distribution of nuclear arms among nations such that no nation will initiate an attack for fear of retaliation from another or others.

engagement with the rest of the world) and most states have enhanced ties and alliances with even more powerful states. For example, in theory any attack on Pakistan by India will probably force retaliation or any other form of military support by Pakistan's allies aiding Pakistan to launch a counter attack on India. The same could happen if Pakistan were to attack India. However, this rests upon a widely observed tendency of states to intervene in matters of others only if they have vested interests.

It seems as if the major actors in the international community are more likely to favour India against a Pakistan that continues to harbour the Taliban with all its security insecurities. For a Pakistani researcher like Rabia Akhtar:

The contemporary discourse on concerns about Pakistan's nuclear weapons and their security uses much of the Cold War hysteria to justify the 'threat' by a rogue military commander sympathizing with the terrorists. By making this statement, I do not intend on denying that there is a Taliban threat. There certainly is a threat to the lives of millions of innocent children, women and men in Pakistan and the Government of Pakistan (GOP) is struggling to restore the internal law and order situation on daily basis. However, Taliban's or Al-Qaeda's desire to obtain 'Pakistani nukes' cannot be determined from isolated statements or events and generalized across the board. Even though Maulana Hafiz Saeed's 'Yom-e-Takbeer' rally to celebrate the sixteenth anniversary of Pakistan's nuclearization on May 28th in Islamabad, makes me uncomfortable at a very personal level, it does make a strong statement about the sense of ownership and pride every Pakistani feels on the possession of nuclear capability. In theory, anything is possible. Pakistan's nuclear weapons

are as safe and vulnerable as that of any other NWS and the argument made against this statement is that ‘but you have Taliban’: yes we do have the Taliban and the Al-Qaeda but looking at the nuclear security infrastructure in Pakistan along with the mechanisms that augment that security and then dismissing the ‘institutionalization’ of nuclear security culture, as if it is not good enough according to Western standards is an unfair characterization. Pakistanis are at the coalface. They are the ones dying every day. They are the ones dealing with the Taliban and the Al-Qaeda threat directly. They should be given some credit for taking care of the most deadly weapons they possess for a loose nuke situation will be more detrimental for them than it will be for the region or the world at large. While lessons have been learnt from the Cold War, like the two-man rule to ensure that no one person misuses authority, Pakistan has gone one step further to institute the three-man rule, requiring authorization of three persons for procedures related to nuclear weapons (Akhtar, 2014).

Consequently, most of the arguments presented here show that the current nature of India-Pakistan relations, the Kashmir issue and the possibilities of unintended escalation of a nuclear war pose greater challenges to the security of the South Asian region. A few points herein shall be discussed that help to show other security concerns posed by the Kashmir issue within the South Asian Region. Firstly, according to the Strategy Page online (2013) the Pakistani army continues to violate the 2003 ceasefire and peace agreement, most notably by aiding terrorists pass the Indian border and the LoC into the Indian administered Kashmir. Secondly, “a growing number of senior Pakistan government officials, both serving and retired, are openly saying that someone in the Pakistani government must have

known Osama bin Laden was living in Abbottabad for six years, within a shouting distance of the Pakistani Military Academy” (Strategy Page online, 2013). The rest of the world was not really shocked by the discovery and apparent death of the Al Qaeda leader in Pakistan, but what did raise concern is that he was given sanctuary in such proximity to Pakistan’s military academy. This means that Pakistan continues to be an obstacle in any fights against terrorism and this poses a greater challenge to the security of the region because it is even harder to deny that Pakistan continues to sponsor the armed aggression by militants in Kashmir.

Pakistan does not appear to have complete control of its territory and this also contributes to security challenges in South Asia. One example of an extremist group that gained safe haven in Pakistan is the Jaish-e-Mohammed (Army of Mohammed). This extremist group claimed responsibility for the attacks on the Srinagar Assembly and was also associated with the attack on the Indian Parliament in New Delhi (Schofield, 2008). Schofield (2008:87) points out that “Pakistan’s international image was not helped when it was revealed that money collected in mosques in Britain was being sent back to ‘freedom fighters’ in Kashmir”. Moreover, Ganguly and Wagner (2010:487) share the view that “Pakistan’s military leaders tried to compensate for Pakistan’s territorial vulnerability and military weakness not only by developing nuclear weapons but also by allying with a number of radical Islamic groups” (Ganguly and Wagner, 2010:489). At the same time Afghanistan is charged with a responsibility of training about 1000 of Islamic fundamentalists in War University to enter Indian administered Kashmir via Pakistan on perceived flawed arguments that they are fighting a ‘holy’ war, further contributing to the security challenges of the region (Kumar, 1999:01).

Additionally, scholars like Kumar (1999:01) have observed that resolving the Kashmir issue will mean nothing if Pakistan's Inter-Services Intelligence (ISI) continued to sponsor terrorism in Kashmir, India, Bangladesh, Tunisia, Egypt, Algeria and Myanmar. Thus, according to Ganguly and Wagner (2010:481) "concerns about this danger have been one of the motivations behind US efforts to mediate the conflict over Pakistan's support for insurgency in Kashmir". This means that the Kashmir problem has made a major contribution to the spread of terrorism, thus posing a challenge to the global war on terror¹⁴. One's concern is that the possibility of a nuclear war in South Asia has been misrepresented by the international community even though South Asia remains unsafe. The 1998 nuclear tests in conjunction with inconsistent interpretations of the Cold War seem to have exaggerated the nuclear war possibility in South Asia (Ganguly and Wagner, 2010:479). It will be a huge mistake to assume that all strategies employed during the Cold War may directly apply in the case of India and Pakistan over Kashmir.

STRATEGIC PARTNERSHIPS

Confronting a much more powerful neighbour India, over the Kashmir dispute, Pakistan forged a strategic partnership with China in 1964. This partnership has blossomed into 'a multi-dimensional, all-weather Sino-Pakistan friendship tested by adversity' (Garver 2004: 2). The policy of China in the Kashmir conflict has shifted 'from an agnostic position in the 1950s, to a distinctly pro-Pakistan position in the

¹⁴ The War on Terror (WOT), also known as the Global War on Terrorism (GWOT) is a term which has applied to an international military campaign that started after the September 11, 2001 terrorist attack on the United States of America. It is a campaign to eliminate al-Qaeda and other militant organizations. The term War on Terror was first used and promoted by the former USA President, George W. Bush. However, the incumbent President prefers to use another term for it, that of Overseas Contingency Operation (See Appendix 2). This is perhaps due to the activities of critics of the war on terror. Their criticism addresses issues on morals, ethics, efficiency, economics, and others. Critics charge that the war on terror has been exploited by participating governments in the campaign to pursue long-standing policy/military objectives (George, 2003), reduce civil liberties (Singel, 2008), and infringe upon human rights (Richissin, 2004).

1960s and 1970s, and then to an increasingly neutral position' ever since Deng Xiaoping assumed power in 1978 (Garver 2004: 2). Ever since it forged the strategic partnership with Pakistan in 1964, Mao's China supported the Kashmiri people's struggle for self-determination, and assisted Pakistan materially. Mao viewed revolutionary struggles moving history in a progressive direction, whereas Deng deemed it as helping to keep China poor. After 1980, China made a course correction and demilitarised its foreign policy.

Ever since Deng ascended to power, China has been adopting a neutral policy towards the Kashmir conflict, encouraging a peaceful settlement to the conflict. First, China does not want a war in its neighborhood, since it would jeopardise its drive for economic prosperity and development. Second, China views a war between India and Pakistan as endangering two fundamental elements of its South Asian strategy: a) maintaining Pakistan as a counter-balance to India; and b) improving friendly relations with all the states of South Asia (Garver 2004). China is well aware that powerful India would decisively defeat Pakistan in the case of a future war. In such a scenario, China would face the Hobson's choice of intervening in the war in support of Pakistan to prevent such an outcome, or staying out of the war and witnessing India crushing Pakistan and conquering Kashmir. China would lose out in either case. Providing military support to Pakistan or intervening in the event of a future war would strain Sino-Indo bilateral relations. On the other hand, decisive Indian subordination of Pakistan in a future war would strengthen India's conviction that South Asia is its natural security zone, and external powers should be kept away (Garver 2004). It would stifle the endeavours of China to develop multilateral, friendly, co-operative ties with all the countries in the region.

More importantly, if India conquered Azad Kashmir in the event of a future war, China would be left with no common border with Pakistan, since Azad Kashmir links both countries through a common border. It would thwart China's strategy of securing overland access to the Indian Ocean through its all-weather friend, Pakistan. Since its interests are intertwined with Kashmir, China takes the principled high ground in order to maintain good relations with both India and Pakistan (Garver 2004). Therefore, it discourages Pakistan from engaging in cross-border terrorism in India to reduce tension in the region. In order to curb external influences in the region, it also encourages both India and Pakistan to have bilateral negotiations to settle the Kashmir conflict. While supporting the bilateral talks, China quietly and firmly stands behind Pakistan. China is also arming Pakistan to withstand the Indian threat by supplying its nuclear and missiles technologies, and even its fifth generation stealth fighter, FC-20 and advanced JF-17 Thunder (Garver 2004; Kapila 2000).

Threatened by the China-Pakistan strategic partnership, India forged its strategic partnership with the USA in 2000. This evolving partnership has strengthened the defence capabilities of India. However, given the divergent worldviews of both India and the USA, it raises a serious question as to whether this partnership can grow beyond a certain level. This is because both differ about the nuclear status of India. In this case, the USA is not in favour of making India into a *de jure* nuclear weapons state. Further, the USA is still keeping Pakistan as an ally in its War on Terror, thus upsetting India. Besides, India remains concerned about the reliability of the USA as a supplier of high technology (Gupta 2005; Hussain 2011; Kapila 2000). Despite some differences, both have complementary interests, mainly in curbing China's influence in the region. More importantly, the USA perceives the

reconciliation of both India and Pakistan as the best way of minimising the growing Chinese influence in the South Asia region. The competing interests of these major powers further complicate the Kashmir conflict and its resolution.

INSURGENCY, TERRORISM & COUNTER-TERRORISM

Secessionist politics in Indian Kashmir is played neither under one umbrella nor under one leadership. There are two brands of organizations with varying strengths operating in the Kashmiri cause. On the one hand, there are many pro-Pakistani Islamic organisations like Jamaat-e-Islami (JET), Hizbul Islami, Allah Tigers, Islamic Student League (ISL), and Lashkar-e-Taiba (LET).¹⁵ These organizations are fighting to get rid of Indian rule in Kashmir and integrate it with Pakistan. It is widely believed that Pakistan's Inter-Service Intelligence (ISI) gives financial and technical assistance, training, guidance, and military hardware to these organisations (Das 2001). On the other hand, the Jammu and Kashmir Liberation Front (JKLF)¹⁶ are operating, advocating a secular independent Kashmir. These groups operate independently away from the clutches of Pakistan. Moreover, Afghan Mujahidheen and other fighters from Sudan, Algeria, Yemen, and Libya are also participating in the 'Kashmir Jihad'. This clearly shows the growing Pan-

¹⁵ First, Jamaat-e-Islam is an Islamic organization in India which stands for Islam as a complete way of life rather than defining it as a set of worship practices and leaving the rest of the life for other ideologies (Martin, 2005). It later split into separate independent organizations in India, Pakistan, Bangladesh and Jammu and Kashmir following the partition of India in 1947. Formed in 1948, the active one in Pakistan uses the acronym JeT. Second, Hizbul Islaami is a Somali Islamic insurgent group. The group merged into Al-Shabaab in December 2010 but later separated in September 2012 after some in-conflicts between elements of both. Third, Allah Tigers is now an inactive terrorist group formed in 1989. Fourth, Islamic Student League (ISL) is a political party organized since 1985 by college students of Kashmir to protest against systematic occupation in the Indian-occupied Kashmir. Last, Lashkar-e-Taiba (LET), founded in the early 1990s is a Pakistani-based terrorist organization that seeks to drive out Indian security forces from Kashmir and establish an Islamic Caliphate in the surrounding region.

¹⁶ The Jammu and Kashmir Liberation Front (JKLF) is a Kashmiri nationalist organization founded in Birmingham, England on May 29, 1977. From then until 1994, it was an active terrorist organization (Immigration and Refugee Board of Canada, 2003). The group opposes the merging of the territories into either Pakistan or India but rather wants the region of Kashmir to separate from the two countries and become independent (UNHCR, 2003).

Islamic edge to Kashmiri insurgency. Although Indian officials are increasingly speaking of a proxy war at the behest of Pakistan and international terrorism, the actual presence of foreign mercenaries need not be overstressed (Das 2001). Many analysts also stress the growing ranks of local youths in the Kashmiri insurgency (Das 2001).

Kashmiri insurgency obviously was a home-grown one. It has partly, however, been hijacked in later days by Pakistan. Kashmir has consequently turned into a battleground between Indian security forces and Kashmiri militants. However, Pakistani support for secessionist movements in India has caused a myriad of problems even in Pakistan. The spread of Islamic ideologies primarily poses a formidable internal security threat to its stability and existence. Suicide attacks and bombing have increased over the years in Pakistan. The assassination of former Prime Minister Benazir Bhutto, and suicide attacks on military installations, the bombing of the Marriott Hotel and many other incidents have indicated the growing danger in Pakistan (Bowers 2004; Das 2001; Mukherjee 2009). Although a significant section of Pakistani intelligentsia is aware of the danger, Pakistani military and ISI are still investing in militant groups to pursue their national interests in Kashmir. This dangerous strategy of supporting insurgency in Kashmir not only strains the bilateral relations but also steers both countries on a collision course. Moreover, it hampers a negotiated settlement of the Kashmir conflict.

On the other hand, India is neither prepared to compromise on the issue of Kashmir nor to give in to the pressures of Pakistani terror tactics. Using the terror attacks on its soil as an excuse, (see Appendix 3 for major attacks on India) India avoids going to the peace talks. At the same time, India is not pointing its finger directly at the

government of Pakistan. It merely blames rogue institutions like the ISI and a certain section of the Pakistani military for the terrorist attacks on its soil. Moreover, India is well aware of its own home-grown networks. For example, the Indian Mujahidheen¹⁷ was behind the bomb blasts in Jaipur and Ahmedabad in 2008 (Mukherjee 2009). More importantly, India faces many internal challenges. Violence spawned by left wing movements like the Naxalites¹⁸ is increasing in many Indian states. Besides, separatist violence is on the rise in Assam and Manipur. Above all, an alarming growth of home-grown Islamic radical movements has unnerved Indian security establishments (Mukherjee 2009).

Despite facing mounting internal security threats, one might claim that India is more interested in treating the symptoms rather than the root cause of the violence on its soil. On the one hand, India has intensified its counter-insurgency measures such as clamping down on militants' hide-outs, tightening the border fence, and installing advanced surveillance equipment along the Pakistani border. Despite the decline in the number of militant attacks, violence has not died down in Kashmir. In the name of fighting terrorism, the Indian military is committing egregious human rights violations in Kashmir (Navlakha 1999; Noorani 2003). While alienating Kashmiri Muslims from Indian rule, Indian military operation fuels more Pakistani support for the Kashmiri cause. On the other hand, to fight fire with fire, the Indian

¹⁷ The Indian Mujahiddeen is a terrorist group based in India. It has carried out several attacks against civilian targets in India since 2008. In this year, it was responsible for the Ahmedabad Serial blasts, where it gained national notoriety with a casualty count of almost 50.

¹⁸ The Naxalite insurgency is an ongoing conflict (The Economist, 2006) between Maoist groups known as Naxals and the Indian Government. The Naxalites have frequently targeted tribal, police and government workers in what they say is a fight for improved land rights and more jobs for neglected agricultural labourers and the poor (Al Jazeera, 2009). The Naxalite's insurgency gained international attention after the 2013 attack in Darbha Valley that led to deaths of about 24 Indian National Congress Leaders (The Hindu, 2013)

intelligence organisation, Research Analysing Wing (RAW)¹⁹ secretly supports every anti-state movement from Sindh to Baluchistan with the aim of destabilising Pakistan (Mukherjee 2009). These tit-for-tat measures by India and Pakistan further complicate the problem in Kashmir, and frustrate bilateral relations.

COMPETITION IN AFGHANISTAN

Impelled by the Kashmir conflict, both countries, India and Pakistan compete in every available arena. They have finally entered into Afghanistan for political, security, and economic reasons starting a 'new great game' (Mukherjee 2009: 429). Ever since the Taliban regime, which was friendly towards Pakistan, was ousted in late 2001, Pakistan lost its strong foothold in Afghanistan. India has moved with alacrity and forged closer ties with Afghanistan. Moreover, India has become the fifth largest bilateral aid donor and its closest ally in the region (Mukherjee 2009). However, Pakistan has long viewed Afghanistan as her own natural backyard and a convenient corridor to the Central Asian Republics (CARs). Besides, it perceives Afghanistan as its 'strategic depth', which allows her to become the CARs' favoured commercial and energy intermediary, and precludes Indian access to the CARs (Wirsing 2007: 160). An aggressive outreach of India to the CARs via Afghanistan and its efforts to build a military base in Tajikistan not only 'threaten to outflank Pakistan in its bid for the CARs friendship' but also enhance the capacity of India to project its military power in the region (Wirsing 2007: 162).

To weaken each other in this great game for power and influence, both are engaged in subversive activities. Given the growing Indian influence in Afghanistan, it is

¹⁹ The Indian intelligence organization, Research Analysing Wing (RAW) was formed in September 21, 1968. It is the primary intelligence agency of India. It was created after the Sino-Indian war of 1962 and Indo-Pakistani War of 1965. Its primary function is the gathering of foreign intelligence and counter-terrorism.

widely believed that Pakistan has started tolerating the Taliban even if not providing direct support to them (Riencourt 2001). Moreover, it is an open secret that Pakistan was behind the attack on the Indian embassy in Kabul (Ganguly & Howenstein 2009; Riencourt 2001). India is similarly investing in its own intelligence agencies to fight the proxy war in Afghanistan. Furthermore, it uses 'its numerous consulates in supporting and training anti-Pakistan elements in Afghanistan' (Mukherjee 2009: 428). This great game, on the one hand, obstructs the efforts of the international community to stabilise Afghanistan. On the other, it makes it difficult to find a negotiated settlement to the Kashmir conflict, widening the trust deficit between both countries.

CONCLUSION

India and Pakistan have thus far survived various crises with nuclear overtones and have had the benefit of USA mediation to dissipate the tension and prevent escalation. Both countries are telling the whole world about the credibility of their nuclear structures, how secure their C2 is, how lethal their missiles are but they both are not talking to each other about it. It is high time that both countries sit across from each other, given how close in proximity they are to one another, and talk about how they will be affected by a nuclear accident, how they should respond to each other in case of an inadvertent launch, how can they secure their international border and even the LoC against nuclear sabotage/theft and last but not the least, how can they raise awareness in their respective publics about the consequences of a nuclear war between the two countries. These are real issues and these real issues have serious and direct implications for ordinary Pakistanis and Indians.

Insurgency continues to grow on both sides of the divide with untold implications, yet neither has sought the need to discuss directly with the other party on how to confront independent terror groups and their excesses. Competition in Afghanistan has also complicated any effort by both parties to find a mutually beneficial solution to the myriad of crises that confronts them. But sadly in the last 16 years, the two countries have talked to everyone but each other and their people. Ten years have passed since the Composite Dialogue between the two countries and still, the CBMs remain an *ad hoc* procedure (Akhtar, 2014).

CHAPTER FOUR

AN AUDIT OF THE INDIA-PAKISTAN PEACE PROCESS

INTRODUCTION

The Kashmir dispute is one of the longest running international conflicts in the world. Despite many phases of peace negotiations over the last six decades, the conflict remains unresolved. These peace negotiations have, however, changed the nature of the conflict once and for all. Given the trajectory of the peace processes, one can safely classify them into five phases: the UN-led phase from 1947 to 1961; the state-led phase from 1962 to 1964; the inactive phase from 1965 to 1988; the insurgency phase from 1989 to 2002; and the convergence phase from 2003 to the present (Indurthy 2005; Yusuf & Najam 2009). Each of these phases represents a distinct period in the bilateral relations of India and Pakistan.

In this chapter, I explore these peace process phases, including the major landmarks of them and the politics surrounding their failures. In so doing, I highlight the factors responsible for the continued crises, despite the many efforts towards peace. It is of utmost importance to start this by discussing the first phase led by the United Nations (UN), an organization saddled with the responsibility of resolving similar crisis situations between countries.

THE UN-LED PHASE

Having occupied two-thirds of the Princely State, the then Indian Prime Minister, Jawaharlal Nehru officially lodged a complaint on 31 December 1947 to the United Nations: he drew the invasion by Pakistan to the immediate attention of the

Security Council. This enabled India to place the Kashmir conflict under the international radar. Influenced by Cold War politics, the Security Council passed a series of resolutions. On 13 August 1948, the Council required both countries to agree to a ceasefire along the Line of Control. Further, Pakistani forces had to withdraw. This was followed by the holding of an impartial plebiscite to ascertain the wishes of the people of Kashmir on their future under the auspices of a United Nations Commission for India and Pakistan (UNCIP). Both countries initially agreed to comply with the resolutions (Yusuf & Najam 2009). In the meantime, Sheikh Abdullah, the popular leader and the founder of the secular National Conference Party (NC), also known as the Lion of Kashmir, supported the instrument of accession to India and led the state government from March 1948 until 1953; the area under Indian occupation was named as the state of Kashmir & Jammu, with special status granted under Article 370 of the Indian constitution. He had no jurisdiction over the areas under Pakistani occupation, named as Azad (free) Kashmir (Korbel 1956; Akhtar 2010).

The decision of Sheikh Abdullah altered the status quo and changed the destiny of the Princely State once and for all. His decision also hardened the stance of Nehru. Despite the previous acceptance of UNCIP proposals on holding a plebiscite, Nehru gradually shifted his position in terms of its interpretations. In August 1949, American President Truman and British Prime Minister Clement Atlee persuaded Nehru to accept the arbitration of the UNCIP. Nehru angrily rejected their advice and declared that 'he would not give an inch on the matter of Kashmir' (Indurthy 2005: 33). Despite the uncooperative stance of India on the issue of the plebiscite, the Security Council did not give up on the matter. In December 1949, the Council called on UN President, General McNaughton of Canada to break the impasse in

Kashmir. However, India rejected his proposals on demilitarisation and the plebiscite, citing them as favouring Pakistan (Bowers 2004; Yusuf & Najam 2009).

Once the efforts of McNaughton failed, the Security Council summoned Sir Owen Dixon, a judge of the Australian High Court to break the impasse. In the summer of 1950, Dixon submitted 'a proposal limiting the vote to the Valley²⁰ while partitioning the rest of the state on religious lines' (Indurthy 2005: 33). Since Nehru rejected the idea of UN control of the Valley during the plebiscite, his proposal also failed to make a breakthrough. At the end, he advised the UN to give up its mediation efforts and allow both countries to find a resolution to the conflict. Without relenting, the Security Council commissioned Dr. Frank Graham, a US Senator as UN mediator. During the period 1951-53, he made frantic efforts to convince Nehru to comply with a statewide plebiscite but to no avail. Following in the footsteps of his predecessor, Graham too, prescribed similar advice to the UN and left the mission (Das 2001; Indurthy 2004).

Meanwhile, the ground situation started changing fast. On the one hand, Pakistan became a close ally of the USA after joining the USA created Baghdad Pact²¹ and the South East Asia Treaty Organisation (SEATO)²² in 1954. Moreover, the USA started supplying arms and ammunition to Pakistan which was viewed as an unfriendly act towards India. On the other hand, India firmly committed itself to the policy of non-alignment (Bowers 2004; Mohan 1992). The US Secretary of State

²⁰ The Valley in this instance refers to the territories in Kashmir under contention between India and Pakistan

²¹ The Baghdad Pact is a Treaty concluded in Baghdad on February 24, 1955, between Iraq and Turkey and later joined by The United Kingdom, Iran and Pakistan (See Appendix 4). The Treaty laid the foundation for the military group Central Treaty Organization (CENTO) which is the more correct term. It is also referred to as the Middle East Treaty.

²² South East Asia Treaty Organization (SEATO) was a military alliance forged together by the USA in September 8, 1954. Signatories include The United Kingdom, New Zealand, France, Australia, the Philippines, Pakistan, The United States and Thailand. Its objective is to compel members to support one another militarily in the case or event of aggression towards any of its members

John Foster Dulles then took a hostile view towards India and criticized its policy of non-alignment as immoral and short-sighted. Besides, Nehru dismissed ousted Abdullah as the head of the government in Kashmir for calling independence for the state, and replaced him with Bakshi Ghulam Muhammed in August 1953. In return, Bakshi Muhammed got the Kashmir Constituent Assembly²³ to ratify Kashmir's instrument of accession to India in 1954. The ratification foreclosed any prospect for the plebiscite in the future. Nehru accepted the vote in the Assembly as equivalent to a plebiscite, and declared Kashmir as an integral part of India in 1956. However, Pakistan angrily rejected these unilateral moves and continually called for a plebiscite. Furthermore, India re-arrested Sheikh Abdullah for condemning the ratification (Das 2001; Indurthy 2005). As a result, the situation on the ground became volatile.

At this juncture, the UN Security Council finally appointed Gunnar Jarring of Sweden²⁴ to break the deadlock. He submitted a pessimistic report to the Council pointing out that 'changing political, economic, and strategic factors surrounding

²³ The Constituent Assembly of Jammu and Kashmir was a body of representatives elected in 1951 to write the Constitution of Jammu and Kashmir. See also the text of the Proclamation issued by the Head of the Jammu and Kashmir State on May 1, 1951.

²⁴ Gunnar Valfrid Jarring (12 October 1907 – 29 May 2002) was a Swedish diplomat and Turkologist. Jarring was born in Brunnby, Höganäs Municipality, Skåne County (then part of Malmöhus County), Sweden. Jarring entered the Swedish diplomatic service and worked for the Swedish Foreign Service as attaché at their embassy in Ankara in 1940. He later held diplomatic positions in Teheran, Baghdad, and Addis Ababa, and was appointed Swedish minister to India in 1948, and then minister to Pakistan. After several other diplomatic missions, he was Sweden's Permanent Representative to the United Nations from 1956 to 1958, and sat in the Security Council for the last two of those years. After the 1967 Arab-Israeli War and the adoption of UN Security Council Resolution 242, Jarring was appointed by the UN Secretary-General U Thant as a special envoy for the Middle East peace process, the so-called Jarring Mission. Jarring's methods of negotiation were used unsuccessfully until the 1973 Arab-Israeli War. He is one of the few people to ever be mentioned by name in a United Nations Security Council Resolution, appearing in Resolution 331. Jarring, dubbed the Silent Swede because of his talent for quiet diplomacy, He died at 94 in May of 2002 of undisclosed causes at his home in Helsingborg, Sweden. See also Hulda Kjeang Mørk, 2007. *The Jarring Mission - A Study of the UN Peace Effort in the Middle East, 1967-1971*. Being A Masters Dissertation submitted to University of Oslo; Singh, S.B., 2011. *The Right to Self-Determination of the Kashmiri People* (December 1, 2011). Available at SSRN: <http://ssrn.com/abstract=1967296> or <http://dx.doi.org/10.2139/ssrn.1967296>

the whole question of Kashmir rendered the implementation of international agreements, of an ad hoc character, progressively more difficult' (Mohan 1992: 296). Moreover, India rejected his recommendation of having direct negotiations between India and Pakistan under the UN auspices on the issues of demilitarisation and plebiscite, whereas Pakistan accepted it (Bowers 2004; Indurthy 2005). His failure put the last nail in the coffin of UN mediation. In general, the UN could neither resolve nor ameliorate the conflict.

THE STATE-LED PHASE

The failure of the UN mediation coupled with the uncompromising stance of India created war hysteria in Pakistan against India. This tense situation brought military hardliners into power in Pakistan. On 30 October 1958, the army chief, General Muhammad Ayub Khan staged a coup d'état and promised to find a peaceful solution to the Kashmir conflict. His meeting with Nehru in September 1960, however, produced little progress on the dispute. But, the dynamics on the subcontinent changed markedly after the Sino-Indian war in October 1962. China delivered a humiliating defeat to India by launching surprise massive attacks in Ladakh (Kashmir) and the North-East Frontier Agency region. Having suffered an ignominious defeat, India was weakened and forced to reverse its long-held non-alignment policy. Nehru's India finally accepted military assistance from the USA and other Western powers (Bowers 2004; Garver 2004). Using the military assistance as leverage, the USA and the UK compelled the weakened India to negotiate with Pakistan to resolve the Kashmir conflict.

By helping to resolve the conflict, they assumed that both India and Pakistan could help them in containing communist China in the region. Therefore, the US and the

UK persuaded both India and Pakistan to hold talks. As a result, six rounds of bilateral talks took place between December 1962 and July 1963. In the end, India refused to budge on an Anglo-American proposal to divide the Kashmir Valley. Although Pakistan supported the proposal, the uncompromising stance of India ultimately derailed the bilateral talks. Thereafter, Nehru passed away in June 1964, and Lal Bahadur Shastri succeeded him. Since the new leader indicated his aspiration for peace, a meeting took place between Ayub Khan and Shastri at Karachi, Pakistan on 12 October 1964 (Indurthy 2005; Mitra 2001). The meeting, however, did not produce any breakthrough other than the mutual exchanges of pleasantries and goodwill. Moreover, both leaders expressed their desire to explore talks at the ministerial level. Despite this new spirit of relationship, a unilateral move of India undermined the whole atmosphere of friendship. On 4 December India unilaterally announced ‘the application of articles 356 and 357 of the Indian constitution to Kashmir under which the state could be brought under presidential rule and the Indian parliamentary legislation’ (Indurthy 2004: 37). This centralizing move of India thwarted any chances of peace talks, and pushed Pakistan towards the path of war.

THE INACTIVE PHASE

As opposed to Nehru, Shastri viewed Kashmir not so much as a symbol of India’s commitment to democracy and secularism but as territory, power, national self-interest, and security (Mitra 2001). Consequently, India began to tighten its grip over Kashmir, which led to the second Indian-Pakistan war. On 5 August 1965, Pakistan launched a war, code-named ‘Operation Gibraltar’ against India with the

aim of capturing Kashmir. As the war escalated, the UNSC called for an immediate ceasefire, which India and Pakistan accepted on 6 September (Indurthy 2004; Mohan 1992). With the USA bogged down in Vietnam, the Soviet Union took the initiative. At the invitation of the Soviet Union, Shastri and Ayub Khan met in the city of Tashkent, Uzbekistan Republic. They subsequently signed an agreement, known as the Tashkent Declaration on 10 January 1966. In terms of the declaration, both withdrew their military forces to the pre-war ceasefire line (Tashkent Declaration, 1966).²⁵ Moreover, both pledged ‘not to recourse to force and to settle their disputes through peaceful means’ (Indurthy 2004: 38).

Despite their pledges, both countries again resorted to war. In 1971 civil war broke out between West and East Pakistan and hundreds of East Pakistani refugees poured into India. At this juncture, India militarily intervened on behalf of the Bengalis of East Pakistan. To divert Indian military pressure in the East, Pakistan launched a massive military operation on Jammu and Kashmir on 3 December (Akhtar 2010; Indurthy 2005). Having defeated Pakistan decisively, India helped East Pakistan to become independent Bangladesh. Although India intervened in East Pakistan on ‘humanitarian grounds’, it succeeded in dividing Pakistan into two, and ultimately weakened the power of Pakistan. Following the war, defeated Pakistan Prime Minister Zulfikar Ali Bhutto was forced to sign an agreement with his triumphant Indian counterpart, Indira Gandhi at Simla, India on 2 July 1972. According to the *Simla Accord*,²⁶ the ceasefire line in Kashmir was converted into

²⁵ See also Appendix 5 for the 1966 Tashkent Declaration Document.

²⁶ The Simla Accord encompasses mutually accepted principles that include the following: i. A mutual commitment to the peaceful resolution of all issues through direct bilateral approaches. ii. To build the foundations of a cooperative relationship with special focus on people to people contact. iii. To uphold the inviolability of the Line of Control in Jammu and Kashmir, which is a most important CBM between India and Pakistan, and a key to durable peace (Ministry of External Affairs, Government of India, 1972)

‘a formal line of actual control’ (Mohan 1992: 299). Moreover, both leaders committed themselves to ‘settle their differences through bilateral negotiations or any other mutually-agreed means without recourse to force and without outside intervention’ (Indurthy 2004: 38). Through this Accord, India virtually precluded Pakistan raising the Kashmir issue in any international forums.

By deferring the resolution of the Kashmir conflict to an unspecified future date, the *Simla* Accord almost pushed the issue to the back burner. Given the humiliating military defeat and loss of international support, Pakistan could not take up the Kashmir issue with India until 1988. The Kashmir conflict hardly featured, either on a bilateral or international agenda in this inactive phase. On the other hand, triumphant India, under Indira Gandhi, introduced ‘a kind of Monroe Doctrine’ keeping foreign hands off South Asia (Mitra 2001: 374). Meanwhile, India began to change the conditions on the ground in Kashmir. First, it slowly started destroying Kashmiris’ unique identity, known as *Kashmiriyat* (the feeling of being Kashmiri). While impeding the full-flowering of *Kashmiriyat* in Kashmir, India sought to integrate it with Pan-Indianism (Das 2001).

Second, Mrs Gandhi adopted the Hindu card to contain Kashmiri nationalist leaders. By sloganeering that Hindu minorities of Kashmir were in danger, she contributed to the institutionalization of communalist politics in Kashmir. By engineering dissension within the National Conference²⁷ in Kashmir, and characterizing the Kashmir nationalist leaders as ‘anti-national’ - Indira Gandhi alienated Kashmiri Muslims from India. Third, the government of India economically marginalised the state of Kashmir (Bowers 2004; Das 2001). It allowed the Pan-Indian bourgeoisie class, predominantly Hindus, to treat Kashmir

²⁷ The National Conference in Kashmir is a mini Political Assembly.

as a captive market for its products, not as an area of investment. It failed to build any major industries in Kashmir. Moreover, the Kashmiri Pundits (Hindus), constituting only 3% of the population, monopolised 80% of all its professional jobs. Most importantly, almost all pivotal positions such as Governor's Advisors, Chief Secretary, and Director-General of Police were given mainly to non-Kashmiri Muslims (Das 2001). The Muslim population in the Valley was deprived of the fruits of economic development. Fourth, in the face of mounting Indian assertion in Kashmir and growing Hindu nationalism in wider India, Sheik Abdulla signed the Kashmir Accord with Indira Gandhi in February 1975. Under the Accord, the former acknowledged Kashmir as an integral part of India (Indurthy 2004). Later his son, the leader of the National Conference, Farooq Abdullah, signed an electoral pact with Rajiv Gandhi, the Prime Minister of India in 1986 giving up his anti-Delhi stance (Das 2001). As a result, Kashmir nationalist leaders became collaborators in the eyes of Kashmiris and lost their credibility. Above all, India finally resorted to a heavy-handed approach to tame the dissidents in Kashmir. As a result of this blatant economic marginalisation, political alienation, and oppression, the political situation in Indian Kashmir rapidly deteriorated from the mid-1980s culminating in a 1989 uprising of Kashmir Muslims against Indian rule.

THE INSURGENCY PHASE

This was a period of heightened tension between the two nuclear-armed states. It lasted over a decade from 1989 to 2002. The years of oppression, political alienation, and economic marginalisation fomented this volatile situation. When secular politics failed to be a viable vehicle for the expression of Kashmiriyat, and existing political institutions failed to mitigate the sufferings of Kashmiri people,

the dejected and disgruntled Kashmiris engaged in violent uprising against Indian rule. Although India accused Pakistan of sponsoring terrorism in Kashmir, this violent uprising was spontaneous and a home-grown one (Das 2001; Yusuf & Najam 2009). The suffering and the violent struggle of Kashmiris went down very well in Pakistan (Yusuf & Najam 2009). At this juncture, Pakistan seized the opportunity and rendered its support to insurgency as a tactic to weaken Indian rule in Kashmir and to force India to compromise in the Kashmir issue. By 1993, Indian Kashmir was embroiled in a fully-fledged insurgency. Indurthy argues 'this insurgency brought India and Pakistan into heightened tension; even to the brink of a nuclear encounter' after the tit-for-tat nuclear testing by both countries in May 1998 (2004: 38). As a result, there were hardly any peace talks, undertaken in this period to resolve the conflict.

THE CONVERGENCE PHASE

The paradigm shift in geopolitics precipitated the convergence between parties in early 2000. After the end of the Cold War, the interests of the USA changed in the region. The USA terminated its past policy of propping up Pakistan and Afghanistan against India and the Soviet Union and began trading with the region. In the wake of two near-war nuclear crises in 1999 and 2001-02, the USA interested itself in promoting peace in the region, encouraging both India and Pakistan to adopt the path of peace. To promote its trade, the USA preferred peace and stability in the region. Further, both India and Pakistan began to liberalise their economies, which gathered momentum in the mid-1990s. Importantly, having formed the power bases of both countries, the industrial and entrepreneurial class pushed for peace and stability in the region (Das 2001; Indurthy 2005). Above all,

India suffered a huge internal power vacuum with the decline of the Gandhian dynasty (Both Indira and Rajiv were assassinated in 1984 and 1991 respectively). With fragile coalition politics, its domestic power base became shaky. India eventually gave in to external pressures, and embarked on the journey of peace (Mitra 2001; Yusuf and Najam 2009).

As a result the Prime Minister of India, Mr Vajpayee, visited the Prime Minister of Pakistan, Mr Nawaz Shariff in February 1999 breaking the years of diplomatic stalemate. Both leaders took great political risks. Undertaking a historic journey, Vajpayee travelled by bus all the way to Pakistan, inaugurating the Delhi-Lahore bus service. Moreover, to break the trust deficit and to assure the peaceful intention of India, he even visited Minar-e-Pakistan, the birth place of Pakistan. For his part, Nawaz Shariff welcomed Vajpayee against strong opposition from the Islamist Jamaat-i-Islami, elements within the Pakistani Foreign Ministry, and from the military (Akhtar 2010; Wheeler 2010). Finally, they signed the Lahore Declaration²⁸ setting out ‘the general principles to regulate India-Pakistan relations in the nuclear security environment of South Asia’ (Wheeler 2010: 330). Moreover, a Memorandum of Understanding was signed in which both sides agreed to ‘keep each other informed of any ballistic missiles tests’, to ‘continue their moratorium on nuclear testing’, and to ‘upgrade communication links as well as other measures that would reduce the risk of an accidental or unauthorized use of nuclear weapons’ (Wheeler 2010: 330).

This hope of peace was soon dashed away when General Pervez Musharraf, the commander of the Pakistani military had his troops infiltrated across the LoC into

²⁸ The Lahore Declaration signed February 21, 1999, is a bilateral agreement and governance treaty between India and Pakistan. See Appendix 6

the Kargil sector of Indian-administered Kashmir in May 1999. Within weeks of the Lahore Declaration, both countries engaged in a limited war which lasted eleven weeks. The USA intervened and Pakistan withdrew its troops to the original position ending the war. The Kargil episode, however, cast a permanent shadow over the bilateral relations of India and Pakistan. The boisterous Indian media scathingly criticized Pakistan, accusing it of betraying the trust of Vajpayee. Nevertheless, India never made the kind of concession in Lahore that would satisfy Pakistan (or at least Musharraf) over Kashmir (Wheeler 2010). Obviously, Sharif made a huge concession to India, going against the wishes of his military which was 'eager to exploit its new-found nuclear status to make conventional gains in Kashmir' (Wheeler 2010: 335). Although Sharif took a huge political risk for better relations, India failed to reciprocate with concessions over Kashmir. As a result, Sharif was left with nothing to show his skeptical army. Therefore, the lack of mutual reciprocation in Lahore led to the Kargil episode renewing the bitter enmity between both countries (Wheeler 2010).

In the wake of the Kargil war²⁹, India demanded Pakistan to accept the inviolability of the LoC, and to end cross-border terrorism in Jammu & Kashmir as a precondition for dialogue. Knowing that Pakistan could not meet these demands, India set these unacceptable preconditions and stalled the peace talks. As India hardened its stance towards Pakistan, General Musharraf toppled Sharif in a military coup in October 1999 for 'betraying' the country and became the president (Indurthy & Haque 2010; Wheeler 2010). Following the September 11 attacks on

²⁹ The Kargil War was an armed conflict between India and Pakistan that ensued from May to July 1999 in the Kargil district of Kashmir and along the Line of Control. The war was caused by the infiltration of Pakistani Soldiers and Kashmiri militants into positions on the Indian side of the Line of Control. The Indian army and air force recaptured a majority of the positions on the Indian side of the LoC. Furthermore, with International diplomatic opposition, the remaining Pakistani forces withdrew.

the USA, Pakistan joined the USA-led coalition to fight against the Taliban and Al Qaeda. However, Pakistan continuously supported the insurgency in Jammu & Kashmir. As a result, the number of violent attacks in India in general, and Kashmir in particular, increased in 2000. As pressure mounted, India unilaterally declared a ceasefire in November 2000. Pakistan reciprocated, offering a truce along the LoC. After six months, Vajpayee and Musharraf met at Agra (the home of the Taj Mahal). Since both leaders remained fundamentally divided on the issue of Kashmir, they could not make any headway, but agreed to continue the process of dialogue (Das 2001).

The successive attacks by the Kashmiri militants on the State Assembly of Jammu & Kashmir and the Indian parliament torpedoed the peace process. India accused Pakistan of sponsoring terrorism against itself, and threatened to destroy the training camps of the militants in Pakistani-administered Kashmir. Above all, India mobilised its troops along the LoC and on the international border with Pakistan triggering a nuclear crisis on the subcontinent. However, following pressure by the USA, both India and Pakistan took measures to reduce the tension. In early June 2002, Pakistan promised to make concrete efforts to prevent infiltration. India reciprocated by lifting a ban on overland flights by Pakistani civilian aircrafts which it had imposed after the attack on the parliament. Moreover, it withdrew a number of its warships from areas closer to Pakistan (Raghavan 2009; Wheeler 2010). Both eventually redeployed their troops from the common border. Having met eyeball to eyeball during the 2002 crisis, both countries realised the urgency of avoiding future wars and a fatal nuclear collision in the future.

As a result of this realisation, both countries started the Composite Dialogue in 2004 as part of the peace process with the goal of normalising relations. Although the dialogue has achieved some notable success, it could not resolve the core issues. On the positive side, the volume of trade, cultural exchanges, and people-to people contact have increased as never before. On the other, numerous rounds of peace talks, backed up by the back-channel diplomacy³⁰ could not break the ice surrounding the core issues of Kashmir (Choudhry and Akhtar 2010; Swain 2009). During the dialogue, the Pakistani President Pervez Musharraf showed some flexibility, and stopped calling for a plebiscite in Kashmir. Moreover, he suggested a four-stage formula for the resolution of the Kashmir conflict. The formula called for the recognition of Kashmir as a disputed territory, and a mutually acceptable win-win solution. Later in October 2004, he set out a three-phased solution dividing the Kashmir region into seven sectors along ethnic and religious lines, then demilitarizing those regions, and finally determining the legal and constitutional status of those regions. India rejected these proposals outright and made clear its opposition to any division of Kashmir along religious lines (Indurthy and Haque 2010).

Musharraf, however, proposed another solution to the Kashmir conflict in December 2006, which was based on demilitarisation, maximum self-governance, and a joint-supervision mechanism. Although India theoretically accepted the first two concepts, it strongly opposed the concept of India and Pakistan jointly supervising the entire Kashmir region since it would weaken its control over the territory. Even though India rejected all the Pakistani proposals, it put forward no counter proposals. It is crystal clear that Indian political leadership was more

³⁰ Back-channel diplomacy comprises unofficial and side negotiations on ongoing discussions.

interested in finding a solution to the symptoms rather than the root causes. Knowing well that compromising on the Kashmir conflict was tantamount to political suicide, the Indian leadership showed utmost interest in developing nuclear confidence-building measures rather than finding a solution to the core issues. On the other hand, Musharraf was preoccupied with finding a solution to the core issues. As a result, the peace talks became prolonged without a tangible outcome (Mukherjee 2009; Wheeler 2010).

While the Composite Dialogue was continuing, the militants, opposed to the peaceful settlement of the conflict, continued their violent attacks in Kashmir and in wider India. On the other hand, popular protest broke out in the summer of 2008 in the Kashmir Valley against Indian rule raising tension in the region. Besides, as a domestic power-struggle brewed in Pakistan, President Musharraf began fighting for his political survival (Wheeler 2010). The recurrent militants' attacks, the sheer scale of popular protest in the Valley, and the domestic power struggle in Pakistan hampered the progress of the peace process. At this juncture, the Pakistan-based militants attacked the city of Mumbai, the business hub of India on November 26-29, 2008 wounding 150 people and killing 171 Indians and others, including six Americans and three Britons. The Mumbai attack pushed both countries to the brink of another war (Colman 2009; Mukherjee 2009).

The shuttle diplomacy³¹ of the US defused the tension. India, however, suspended the dialogue and demanded that Pakistan honour its 'solemn commitments and not to permit the use of its soil for terrorism against its neighbour' (Indurthy & Haque

³¹ Shuttle Diplomacy is the act of constant travel between countries in an attempt to improve relations between parties or to solve a particular issue or issues. It is simply international negotiations conducted by a mediator who frequently flies back and forth between the negotiating parties.

2010: 31). Moreover, India tied the resumption of the Composite Dialogue with Pakistan to its prosecution of all those involved in the attacks. Besides, India made it clear that no meaningful dialogue could be had with Pakistan until 'it fulfilled its commitment of completely dismantling the terrorist infrastructure from its soil' (Indurthy and Haque 2010: 34). Above all, India accused the Inter-Services Intelligence, the premier intelligence agency of Pakistan, of orchestrating the attack. India had an unfavourable outlook towards Pakistan Prime Minister Syed Yusuf Raza Gilani and his administration's attempts to convict the culprits, as the ISI was likely to resist the move (Wheeler 2010). Nevertheless, the mushrooming home-grown terrorism and mounting international pressure pushed both countries to resume bilateral talks. Despite the resumption of bilateral talks, the deadlock to restart the stalled peace process still remains unresolved.

RESOLVING THE CONFLICT?

Vaish (2011:53) states that both India and Pakistan often acknowledge that a bilaterally agreed decision on the Kashmir issue could be a solution. However, there are problems that are associated with the relationship between bargaining and military conflict which represent challenges to a peaceful resolution of the conflict. Bargaining mostly has the potential to breakdown and thus decisions that depend upon outcomes of bargaining are usually not trustworthy. Parties involved in a bargain always have an incentive to cheat or misrepresent the information making it hard for cooperative decisions to be made. There is often a barrier to the peaceful resolution of conflict which arises as a result of the failure of disputing parties to commit and abide by an agreement if the incentives to accept it change (Ganguly and Wagner, 2010:501).

The inability of both India and Pakistan to settle the Kashmir issue and the tense relations between them and the ultimate involvement of nuclear weapons on this issue undoubtedly calls for a solution from the international community. Inter-Governmental Organizations (IGOs) like the United Nations (UN) via the Security Council or any wing that deals with conflict must act immediately. The international community at large made meaningful steps forward on their efforts to reduce or control the proliferation of nuclear weapons through treaties and other agreements completely banning and criminalizing the possession of some weapons by any states but that is not enough. However, as seen through neo-realists' understanding the world continues to lack a central government and as such some states choose not to obey international laws. Nicholson (2002:212) states that realists and neorealist argue that "states will act in self-interest and if this requires breaking the law then they will do so". Among the prominent views held by the conflict resolution theorists is that third party interventions are an essential part of the successful resolution of conflict and the achievement of peace. This raises concerns over the intervention of third parties in attempts to resolve this particular conflict if their interests do not converge with any of the parties in conflict.

However, I agree with the views held by Ganguly and Wagner (2010:486) that the involvement of a neutral third party might help resolve the Kashmir issue and the conflict between India and Pakistan. According to Ganguly and Wagner (2010:486)

"...a mediator can provide assistance in crafting agreements that might otherwise not occur...a neutral mediator can provide credible means of transmitting information between the two parties thereby helping them achieve common understanding of their situation".

Neutral mediators have always proved effective in influencing the decisions taken by disputing parties and have often led to peaceful resolution of conflicts. A mediator may persuade and encourage both India and Pakistan to reach an agreement.

Wisdom suggests that a global super-power like the USA must take responsibility and be a mediator in the Kashmir conflict. However, the involvement of the USA might not bring the desired outcomes on this issue. Staniland (2011:140) believes that “the United States seem unable to make any decisions about Pakistan without a clear idea of what it will be doing in Afghanistan...and fears of triggering an Indian backlash and undermining the Pakistan government makes the United States passive in India-Pakistan relations”. The USA appears to be pre-occupied about avoiding a situation where Afghanistan becomes Pakistan’s playground which means counting on the USA to resolve the India-Pakistan tension is less desirable.

Other options that could be considered may be coercive diplomatic measures taken by the international community (preferably by other important trading partners of both countries) to compel both parties to reach an agreement which may also help enforce any agreement that is reached. Leyton-Brown (1987:01) states that instruments vested in the Security Council as part of the peace and security mechanisms envisioned in Chapter VII of the UN Charter provide the basis for the imposition of sanctions by the Council. This means that the UN Security Council has the potential to impose sanctions on both parties in the Kashmir issue until a viable solution has been reached. Sanctions are a useful tool when used in conjunction with other influence techniques to a peaceful transition to peace and they must be used in this manner in the Kashmir issue. One’s argument on this is

that there has not been any meaningful or substantial involvement of the international community on the Kashmir issue.

Another challenge to the attainment of peace in the conflict between India and Pakistan is that war economies usually flourish during conflicts and weapon suppliers wish for it to continue (Makhijani, 1999:147). Questions often arise as to whom the Russians sell their abundant and mostly outdated military equipment from the Cold War and the answer is very simple, conflict prone regions. According to Cilliers (2000:06) “violence is a necessary condition to secure or maintain a slice of pie under conditions of continued economic decline...disorder becomes a necessary resource and opportunity for reward while there is little incentive to work for a more institutionalized order of society”. In some cases government and other elites make fortunes through the looting of state resources and it is hard to tell whether this is the case in the Kashmir issue.

CONCLUSION

I have, in this chapter, set out a historical analysis of the different phases of attempts to settle the conflict between India and Pakistan over Kashmir, and the results thereof. This makes clear the patterns and trends that should be avoided for future efforts to solve the same problem. Kumar (1999), Makhijani (1999) and other like-minded scholars have spent time assessing possible options that could be considered in attempts to untie the Kashmir knot and resolve the tension between India and Pakistan. This is because this issue remains unresolved to such an extent that both Indian and Pakistani officials believe that it will never be resolved unless

they revisit, bilaterally, what they call the unfinished business of the partitioning of the sub-continent.

Consistency, with the ideas espoused by Ganguly and Wagner (2010:479-501), within the conflict resolution framework might aid a transition to a viable solution in the conflict between India and Pakistan over Kashmir. However, from the discussion above, the international community and both India and Pakistan have to work together otherwise the possibilities of a solution over the Kashmir issue remain unlikely. Without this, a more permanent and peaceful outcome is a long way off. As Burton contends,

“...conflict resolution means terminating conflict by methods that are analytical and that get to the roots of the problem. Conflict resolution, as opposed to mere management and ‘settlement’, points to an outcome that, in the view of the parties involved, it is a permanent solution to the problem” (Burton, 1991 in Cunningham, 1998:01).

CHAPTER FIVE

INDIA-PAKISTAN BILATERAL RELATIONS

INTRODUCTION

From a neoliberal perspective, it may be apt to look at resolving the conflict through a focus on areas of possible cooperation rather than a focus upon points of divergence. One such entry point of that could be cooperative, and mutually beneficial, is economic relations. Similarly religious cohesion fosters bilateral relations and the build-up of institutional networks. The presence of these reinforcing factors helps to situate a common ground in an attempt to find mutually beneficial solutions in conflict areas, and with parties willing to compromise on different fronts. In this chapter I examine the four factors of economic cooperation and competition; institutional mistrust; the nature of the bilateral relationship; and, the nexus of religion and politics in order to evaluate how this has had an impact, and is doing so, on their relations a broader sense. I find that the absence of factors such as religious cohesion, cooperation in the broader economic interests (except for economic connections in energy and the entertainment industry) and entrenched institutional mistrust in India and Pakistan makes all efforts towards cooperation seem futile.

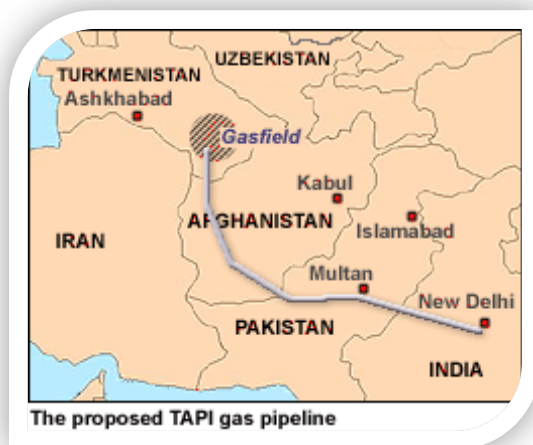
ECONOMIC CO-OPERATION AND COMPETITION

Ever since the partition of the Indian subcontinent, the economic relations of both countries have remained marginal. Despite the gradual growth of preferential trade

in the 1990s under the auspices of the South Asian Association for Regional Co-operation (SAARC), their economic links have still remained extremely weak. Apart from the decades of political enmity, 'their economies are competitive rather than complementary as much of the exports of both are in the same product categories' (Sridharan 2005: 329). For a long time, both countries adopted the economic strategy of Import-Substitution Industrialisation (ISI) with a highly protectionist trade policy. Besides, the existing tariff and quota systems, other non-tariff barriers such as border controls, transport and visa problems, and other security measures have weakened their economic links (Bhat 2011; Jillani 2011). The business communities of both sides have many misgivings, owing to the past history of confiscating enemy property in the event of war. As a result, direct investment and joint ventures have become non-existent between both countries. Owing to these factors, both countries do not import each other's major exports.

In their economic history, both countries have so far entered into only one major economic co-operation agreement, the Indus Waters Treaty (IWT) in 1960. Three of the six rivers of the Indus basin flow from Jammu and Kashmir into Pakistan. As the upper riparian country, India could have used its strong position for leverage in past disputes. This co-operation, however, has for various reasons continued without any major obstruction. First, the IWT divides 'the waters into three rivers each to India and Pakistan, for their separate and independent development, rather than joint development' (Sridharan 2005: 333). Second, India is fully aware that any violation will provoke war and further internationalise the Kashmir conflict, which it always wished to avoid. Third, India has never been pushed to the extent of taking desperate measures such as abrogating the IWT or cutting off river water flows since the earlier wars have been relatively short conflicts. Finally, it is

technically not possible to turn off river waters like turning off a tap (Sridharan 2005; Zawahri 2009). Despite its success, the IWT has not produced any positive spillovers in areas of economic co-operation, peace-building, and conflict resolution.



From as early as 1993, both countries have been discussing various proposals for jointly undertaking common economic programmes, mainly in the energy sector. Since India and Pakistan are

(menasassociates.blogspot.com 2011) interested in gaining access to oil and gas reserves in Iran and Central Asia, they have been conducting many years of deliberation on building the Iran-Pakistan-India pipeline (IPI) (See the map above on the proposed TAPI gas pipeline), and the Turkmenistan-Afghanistan-Pakistan-India pipeline (TAPI). Despite the years of deliberation, the projects could not take off from the ground for numerous reasons. First, each worried about the relative gains of the other. From the Pakistani point of view, these projects would provide energy security to its arch enemy India. Moreover, such co-operation would run counter to its policy of holding economic co-operation hostage to the Kashmir conflict (Sridharan 2005; Wirsing 2007). Besides, Pakistan fears that it would lose its political leverage being locked into a relationship with India. On the other, India fears that these projects further strengthen the Pakistani economy by providing huge transit fees as revenue. Further, India does not want to place its energy security in the hands of its traditional enemy, Pakistan.

Owing to these concerns, they have miserably failed to convert these common programmes into pipelines of peace, creating incentives for both countries to cooperate and maintain regional stability. Rather than cooperating in the win-win projects for meeting their energy needs, they have engaged in bitter competition undercutting each other. For example, with Chinese assistance, Pakistan has developed a deep-sea port at Gwadar on the Baluchistan coast aiming to become the favoured commercial and energy intermediary of the CARs. The development of the Gwadar project has not only complicated the Indian naval strategic planning, but also strengthened the influence of Pakistan in Afghanistan and Central Asia. Moreover, the Gwadar port provides China an alternative route via Pakistan to the Indian Ocean and helps the Chinese strategy of encircling India (Shashikumar 2011; Wirsing 2007). India is not without its own plans for developing energy-motivated transport corridors reaching into the CARs. In this direction, India is developing the International North-South Transport Corridor (INSTC) linking it with Russia, Iran, and the CARs. With equal intent, it also built the Zaranj-Delaram highway ‘stretching from the Iranian border in southwestern Afghanistan to Afghanistan’s existing intercity ring road and from there to Tajikistan in Central Asia’ (Vinitsky 2004; Tehran Times 2009; Wirsing 2007: 159).

Despite this intense rivalry in the energy sector area (See map below showing gas pipeline routed from Iran through Pakistan to India), there is some optimism for closer economic co-operation between both countries. The opening of rail and trading links in Punjab, Rajasthan, and Kashmir has given some hope of reviving the pre-partition trade and travel links. More importantly, civil society organisations in both countries have established ever-closer cross-border linkages with the aim of changing the narrative of competition. Entertainment industries of both countries

have been producing films and music challenging the conventional narrative of enmity. At the latest, commerce ministers of both countries promised to improve the economic ties between both countries when they attended the India-Pakistan Business Conclave at Mumbai from 26-30 September 2011 (Bashir & Rao 2011; Bhat 2011; Khar 2011).

INSTITUTIONAL MISTRUST

The nature of the regimes in both countries affects the process of conflict resolution and their bilateral relations tremendously. In the case of Pakistan, the existence of two power centres in the form of the popularly elected civilian government and the powerful military complicate the peace process and the bilateral relations. The Kashmir conflict and the subsequent wars with India have made the Pakistani military stronger over the years. Running a huge commercial empire in Pakistan, the military have occasionally intervened in politics. It has a huge say over foreign policy and the Kashmir conflict. On the other hand, having witnessed many military coups, the popularly-elected civilian government is functioning under the ever-present threat of military intervention. The intermittent military dictatorships have prevented democratic institutions taking root in the country. They have also thwarted the emergence of powerful civil societies that have stakes in peace. Owing to India's apparent unwillingness to alter the status quo in Kashmir and its alleged support for Pakistan's secessionist movements, the Pakistani military fears that India is intent only on breaking up its country, and will not compromise on Kashmir (Mukherjee 2009; Wheeler 2010). These fears have hardened the stance of the Pakistani military vis-à-vis India. Therefore hybrid regimes, powerful military, political instability, weak civil society, and fragile democracy in Pakistan make it

difficult for a civilian government either to accept politically-risky decisions in relation to Kashmir or make peace with India.

On the other hand, India has a vibrant, stable democracy. It has, however, been entrapped into coalition politics. The nature of its electoral process will not allow any single national party to sweep to power – this means that no single party is able to lead a policy that is seen as a compromise on Kashmir without certain opposition from its coalition partners. Apart from the coalition politics, there is no strong national leader in India who can sell a compromised peace deal with Pakistan. The political elite are careful not to push an agenda that will result in their loss in popularity followed by an electoral defeat. The nature of opposition politics also makes it difficult for the Congress-dominated United Progressive Alliance (UPA) government to accept any potentially unpopular peace deals with Pakistan (Mukherjee 2009; Paul 2009). Historically, the Indian military, and its intelligence organizations, harbour deep mistrust about Pakistan, and strongly oppose any relaxation of security measures, exerting pressure on the civilian government. As a result of coalition politics, and pressures from opposition parties and the military establishment, the Indian government has been unable to restart the peace process especially after the Mumbai attack. Therefore, deep-seated mistrust stemming from past deceptive practices, and different regime types on either side of the border hamper the peace process and destabilize the region.

THE NATURE OF THE BILATERAL RELATIONSHIP

Following the November 2008 sea-borne attacks on Mumbai city, the bilateral relations of India and Pakistan reached rock bottom. As discussed above, India took a number of stern measures and suspended the Composite Dialogue. Despite the

repeated pledges, both countries could not resume the dialogue yet. More importantly, in the wake of the Mumbai attack, India is actively following a hedging strategy, a combination of co-operation and containment, vis-à-vis Pakistan. While engaging with Pakistan economically, it is investing in infrastructure that bypasses Pakistan (Mukherjee 2009). Moreover, it is actively continuing its military modernisation programme, strengthening its strategic partnership with the USA, supporting anti-Pakistan movements, and intensifying its counter-insurgency operations in Kashmir and other parts of India. On a superficial level, hedging may seem to be the best bet for India in relation to Pakistan. Nevertheless, deep analysis proves otherwise.

As a reactive strategy, hedging largely depends on Pakistan's actions and is not helping India to actively shape or influence Pakistan's behaviour. It hardly assists progressive and democratic civil society forces in Pakistan who opted to reject the narrative of competition. It forces both countries to compete bitterly in non-traditional areas such as Afghanistan, water sharing, and access to Central Asia. Moreover, it prevents India from fully realising its geopolitical goals. More specifically, it is not really assisting India to reach its goal of keeping great powers away from the subcontinent (Colman 2009; Tavares 2008). By pursuing the policy of containment, India forces Pakistan and its people to show more outright hostility against itself, and further destabilise the region. Further, it spurs highly-charged nationalist sentiments in Pakistan regarding India as their eternal enemy. Finally, 'containment without the co-operation of other regional and global powers is meaningless, as Pakistan can easily obviate any ill-effects' (Mukherjee 2009: 431). With the help of China, Saudi Arabia, Iran, Turkey and other Islamic countries, Pakistan is mitigating the ill-effects accruing from India's hedging.

On the other hand, India has to keep its military ever ready to counter any adventurism by the Pakistani army and its surrogate militants. Using coercive strategy, India could neither isolate Pakistan nor force Pakistan to settle for the status quo. On the contrary, Pakistan continues 'its policy of investing in and safeguarding militant groups for use against India in Kashmir and possibly to retain influence in Afghanistan' (Mukherjee 2009: 433). This policy has not only brought misery home but also spoiled the atmosphere with its neighbours. This policy has created infrastructures of Jihad within Pakistan, posing a dangerous boomerang effect on its own society. Moreover, it runs the risk of giving Pakistan the identity of a failed-cum-rogue state. Besides, this policy could not force India to compromise on Kashmir but rather steers both countries ever closer to another war.

Even the acquisition of nuclear weapons could not act as deterrence against a future war. Both engaged in a limited, conventional war at Kargil in 1999. Later in 2001-2, both engaged in a massive troop mobilization along the border, threatening to use even nuclear weapons (Yusuf & Najam 2009). Any catastrophic terrorist attack or prominent political assassination in India in the future might trigger another war between both countries. Facing an ominous future, both have taken many self-help measures to strengthen themselves. Their strategic partners (China and the USA) are fueling the arms race just to advance their geopolitical interests. However, both countries have learnt the hard reality of no possible military solution to the Kashmir conflict after the Kargil War. Despite this realisation, after the Mumbai attack, they have been actively engaging in a deadly arms race destabilising the region. Moreover, both continue to pursue the policy of supporting insurgency in each other's territory, and compete in Afghanistan.

As discussed earlier, this bitter acrimony coupled with continuing mistrust has hampered the economic co-operation between both countries. India is of the opinion that an economically stronger Pakistan is less likely to either accept the status quo or compromise on Kashmir. As a result, India is less prone to improve its economic ties with Pakistan. That is why despite granting Pakistan the Most Favoured Nation (MFN)³² status way back in the 1990s, it is reluctant to relax a variety of non-tariff barriers such as stringent certificate codes, customs rules, security clearances and movement restrictions. These barriers make it nearly impossible for Pakistani traders to do business in India. On the contrary, Pakistan has not granted the MFN status to India yet since it has linked the issue with the resolution of the Kashmir conflict (Jillani 2011). More importantly, mindful of relative gains, security concerns and previous deceptions have prevented both countries from undertaking joint gas pipeline projects which could have positive spill-over effects on the peace process and bilateral relations.

In addition, the competitive nature of their economies, the ISI programmes, the past history of confiscating enemy property in the event of war, and the deep-seated animosity have discouraged the business communities of both sides from engaging in direct investments and joint ventures. Despite the improvement in bilateral trade relations, trade and economic co-operation remain extremely low. In many other regions, trade and economic co-operation have mitigated the ill-effects of long-standing disputes and contributed to the forward movement of the conflict resolution. But this is simply not happening in South Asia. Both countries have allowed their economic relationship to be held hostage by the Kashmir conflict. As

³² Under the World Trade Organization (WTO) agreements, countries cannot normally discriminate between their trading partners. Granting a state special favour (such as a lower custom duty rate for any of their products) would mean that the state has to do the same for all other WTO members.

a result, bilateral trade and economic co-operation have been hampered, without making any positive impact on the resolution of the Kashmir conflict.

Apart from the lack of economic co-operation, many other factors impede the progress of conflict resolution. As discussed previously, both countries have primarily taken an uncompromising stance on the Kashmir conflict, because of its emotional overtones and its paramount importance to their national security. Again, deep-seated mistrust stemming from past deceptive practices, and different regime types on either side of the border stifle peace initiatives. The Pakistani military and the ISI tend to keep the Kashmir conflict aflame in order to maintain their political predominance. Multiple power-centres in Pakistan have tied the hands of the civilian leaders in making politically-sensitive decisions on the Kashmir conflict. Third, numerous external stakeholders mainly China and the USA have complicated any possibility of conflict resolution. Fourth, subversive activities and sabotages have been taking place to torpedo the peace boat. Fifth, the voices of the Kashmiri people have not been heard or represented in previous peace negotiations. Sixth, there is a lack of political will on either side of the border. Both countries lack statesmen with immense political capital and clout to sell a compromised political deal on Kashmir to their public. More importantly, coalition politics and parliamentary opposition in India make it difficult for any political leader to compromise on Kashmir.

Finally, continuing terrorist attacks (see appendix 3), especially the Mumbai attack, have nearly diminished the prospect of solving the Kashmir conflict. After the Mumbai attack, Indian public perception of Pakistan has taken a dramatic turn and become more hostile than ever before. The military and intelligence establishment

of India have hardened their attitude towards Pakistan. In this hostile climate, the Indian government continues to demand that Pakistan stops cross-border terrorism by convicting the culprits. Despite Pakistani-sponsored terrorism, India is currently facing the problem of home-grown terrorism. More importantly, India is not prepared to compromise on Kashmir for various reasons. Besides, its growing economic and political might on the international stage discourages India from accepting any third party mediation on this issue. Hence, to cover up its internal weaknesses and to avoid engaging in any serious negotiation over Kashmir, India continues to call for Pakistan to stop cross-border terrorism. On the other hand, as mentioned previously in this dissertation, Pakistan has heavily invested in the Jihadist infrastructure to confront India in Kashmir and Afghanistan (Tavares 2008).

THE NEXUS OF RELIGION AND POLITICS

It is important to recall that South Asia is home to populations with different religious backgrounds. It is home to Muslims whose religion and way of life is Islam, Hindus, Christians, Buddhists and other religious groups. Studies conducted by James and Ozdama (2005:447-467), Goldstein and Pevehouse (2011:154-165) and Qureshi (2013:01) are among those that have shown that generally it is difficult to separate religion and politics in the South Asian region. Religion undoubtedly appears to affect the everyday life experiences of the people within this region. This proves the point shared by James and Ozdama (2005:447) that 'religion is a source of political mobilization or the organization of political activities' and as such has an ability to bolster or undermine the legitimacy of governments. The reasoning behind this statement is that political institutions are made of individuals from

different religious and cultural backgrounds that affiliate themselves with different religious and cultural groups. These backgrounds impact on the decision-making abilities and policy choices of leaders as well as the holistic effectiveness of political systems. For example, most monarchies have cultural, as well as religious, roots that shapes their political systems, which is completely different from a presidential or parliamentary system.

In addition, most scholars including Goldstein and Pevehouse (2011) share the view that nationalism is one of the most important concepts that has continuing influence within the modern international system. According to Goldstein and Pevehouse (2011:164) ‘nationalism strongly influences IR, conflict often result from the perception of nationhood leading to demands for statehood or for the adjustments of state borders’. This means that conflicts with elements of nationalism manifest themselves in several ways: ethnic conflicts where ethnic groups become/create a platform for nationalist sentiments and aspirations towards formation of states on the basis of ethnic differences. The Kashmir conflict between the Kashmiri people and religious militants as well as the conflict between India and Pakistan possesses similar characteristics. A similar view is shared by Tavares (2008:277) who states that the complexity of the issue is to such an extent that Kashmir is also an armed conflict between Kashmiris and India over the right to self-determination. According to Tavares (2008:277) at the heart of the Kashmir issue clashes also exist between Indian representatives and religious militants who are waging a jihad to create a theocratic state.

Thus, Qureshi (2011:01) states that “despite sixty Muslim countries being members of the UN, they have not been able to play any practical role to win self-

determination for the people of Kashmir”. This could be cited as one argument against an inability to rally support for narrow views which use religion as a point of departure. To illustrate the point that religion is indeed implicated in the politics surrounding the Kashmir issue one cites Pevehouse and Goldstein (2011:164) who states that the South Asian region is commonly known for religious and cultural clashes. For instance, religious militants and political leaders in Kashmir mobilise the masses to support Kashmir’s accession to Pakistan for what they refer to as the cause or sake of Islam. Arguing against these practices Qureshi (2011:01) states that “...people are made hostage to religious sentiments whereas the international community is of the firm belief that no state can be constituted on the basis of religious extremism”. Clearly it is hard for any Kashmiri activist group or freedom fighter to gain recognition if they seek freedom by adopting the idea of the so-called ‘course of Islam’.³³

Moreover, Pevehouse and Goldstein (2011:164) states that “because religion is the core of a community’s value system in much of the world, people whose religious practices differ are easily disdained and treated as unworthy or even inhuman’. Religion alone has a potential of causing great societal divides and hatred among citizens. Apart from that, whenever there are unclear causes of ethnic and territorial conflicts, religion is usually revealed as a deeper and most serious yet invisible division between such groups in conflict (Goldstein and Pevehouse, 2011:164). This means that religion, especially within each government among its conflict resolution practitioners, is often not associated as a reason for conflict, or as a fault line; thus it is often overlooked as among the key factors that divide society.

³³ There are, of course, multiple contradictions in such claims. For example, such groups claim they are fighting for freedom when once a theocratic state is instituted this immediately restricts the freedom of all women and children to the point that they are no longer free.

According to James and Ozdama (2005:467) ‘analysis of the origins of the dispute over Kashmir suggest that both countries claimed Kashmir because of their nation building strategies’. Despite the assertion above, evidence shows that religion (Islam versus Hinduism) has been a major factor influencing outcomes in the Kashmir negotiations. Thus, religion does not only contribute negatively to peace initiatives. Religion as becomes more evident as a factor when one considers that leaders opt for religious cohesion, or lack of it, in their attempts to strengthen nation-building efforts. For example, as stated by James and Ozdama (2005:467), India wanted to take advantage of the Muslim majority in Kashmir to justify a possibility of secular beliefs whereas Pakistan believed the impossibility of a secular nationalism in the South Asian region.

Another statement explaining the difficulty of obtaining a solution to the Kashmir conflict is that ‘religious differences hold the potential for conflict and for making existing conflict more intractable because religion involve core values which are held as absolute truth’ (Pevehouse and Goldstein, 2011:164). This means that there are people within different religious groups who find their religions ‘much superior’ and possessing ‘absolute truth’ to an extent that their practitioners find it hard to tolerate views from religions different from their own. In addition, in such segmented societies one group of people who worship under one religion will grow up never socializing with the opposing religion, will never know one another or interact in non-religious ways. This makes conflict resolution in such segmented societies a particularly difficult prospect. One’s perception towards this is that it is arguably a common characteristic among the competing religions to be intolerant of one another. However, most liberal teachings have come to show that toleration is a key to avoiding unnecessary conflicts. Toleration as taught by most liberal thinkers

like John Locke (1632-1704) share the view that most groups including those which are religious have an ability to coexist peacefully. Even though religion has much explanation to the Kashmir issue it is worth noting that the majority of liberal democracies have populations of different religious backgrounds who are tolerant of each other's differences.³⁴

Other than that, the values and practices of secular political organisations including the rules of the international system have often come under fire from fundamentalist groups. Religious consciousness and separatism has become more powerful in recent decades in Christianity, Islam, Judaism, Hinduism and other religions (Goldstein and Pevehouse, 2011:164). One's perception towards all this is that somehow Samuel Huntington's thesis of the clash of civilizations is indeed turning into a reality. Huntington (1996) recognised that clashes between civilizations will occur on the basis of religious and border related disputes, especially between Muslim and non-Muslim groups. However, there is no concrete evidence in support of this subjective perception which could be put under scrutiny though it would be well outside the scope of this paper.

The late 20th century world saw a global resurgence of religions around the world which involved the intensification of religious consciousness and the rise of fundamentalist movements. To illustrate the point that religion is indeed implicated in the politics surrounding the Kashmir issue one can again cite Goldstein and Pevehouse (2011:165) who state that Kashmir has come to be defined as an ethno-religious conflict. Again James and Ozdama (2005:449) state that

³⁴ It is important to note that some terror groups acting to unify Kashmir with mainstream Pakistan are hoping to establish a form of caliphate/theocracy.

‘ethnic conflicts can have an important religious dimension. Religion is potentially a very important element of ethnicity; in fact, some ethnic groups have their primary origin in religion’

This proves the degree of the existing inter-play between ethnic as well as religious factors and the impact they have on the inability of the Kashmir issue to be resolved.

Unfortunately, Pakistan cannot subdue the ‘Frankenstein’ monster it had once created. Now the monster has come back with redoubled force to haunt it. As a result, Pakistan is, on the one hand, facing scathing criticism from the international community for its support for the Jihadist elements. On the other hand, it also confronts home-grown terrorism. In order to curb the growth of Jihadist infrastructure, Pakistan has clamped down on it. However, certain elements within the Pakistani military and the ISI are still continuing to extend their support for the Jihadist network (Colman 2009). Nevertheless, it is impossible for the civilian government in Pakistan to take stern action against the rogue element within its military. It might be argued that this would be suicidal for Yusuf Gilani’s government because the military industry in Pakistan has grown so great in influence that there is a constant threat of a possible coup. Therefore, cross-border terrorism is going to continue in India. It strains bilateral relations making it difficult to resume the Composite Dialogue.

CONCLUSION

The chapter has looked at the various indices towards a possible peace in South Asia with particular reference to India and Pakistan over Kashmir. The chapter

evaluates areas of co-operation from the specific economic standpoints to other broader bilateral contacts and contracts that include institutional parlances and religious contraptions. The lack of compromise and understanding of the others' intent forges challenges in all these directions.

There is indeed some progress in terms of the development of economic ties, encompassing the energy and the entertainment and related industries. It is, however, not so easy to overcome the decades of mistrust that India and Pakistan share over each other. Continuing mistrust, intense rivalry over energy resources and economic competition, rather than co-operation, all complicate the process of finding a solution to the Kashmir conflict, and continue to strain the bilateral relations. While India continues to engage with Pakistan economically, it also invests in infrastructure and projects that will enable it to bypass Pakistan in the future.

In the next chapter, I will provide and aggregate an overall conclusion for the dissertation followed by some policy recommendation. The recommendation takes into account the factors that have mitigated against peace between India and Pakistan and then the region in general.

CHAPTER SIX

CONCLUSION & RECOMMENDATION

CONCLUSION

Showing no signs of permanent resolution in the near-term, the Indian-Pakistan rivalry over Kashmir has persisted for more than half a century. Despite a multitude of factors opposing a permanent resolution of the rivalry, Kashmir is the prime cause of conflict between both countries. Numerous peace negotiations, peace agreements, UN resolutions and, in fact, wars have not solved this intractable international problem. Besides the Kashmir conflict, other territorial issues, political incompatibility, irreconcilable positions on national identity, and the dearth of significant economic and trade relations do not make for peace on the Indian subcontinent (Paul 2009). These factors also inhibit the peaceful resolution of the Kashmir conflict.

A peculiar power asymmetry prevails between India and Pakistan for over half a century. This makes a full compromise difficult for both sides in the short and medium terms. The aggregate power of India is obviously greater than that of Pakistan. Numerous factors, however, mitigate and reduce that disparity especially in the Kashmir theatre of conflict. For example, the strategic and tactical advantages of North Korea in the Korean peninsula clearly explain 'the continuation of the Korean conflict as an enduring rivalry despite the huge power asymmetry between it and the South Korean-US coalition it confronts' (Paul 2006: 628). India similarly has 'much greater strength in terms of gross national indicators of power' such as territory, population, economy, and overall military

forces (Paul 2006: 601). Nevertheless, Pakistan's adoption of asymmetric strategies and tactics, great power balancing between both countries, Pakistan's possession of nuclear weapons, power distribution at the local level, and the nature of the Kashmir theatre have mitigated the superiority of India.

The near parity in troop disposition in Kashmir offers many advantages to Pakistan, especially in the limited asymmetric wars. The nature of its terrain often permits 'limited incursions and guerrilla operations to go undetected by Indian forces' (Paul 2006: 617). India can muster its aggregate superiority against Pakistan only in a long war. Pakistan's possession of nuclear weapons and the diplomatic intervention of great powers in the case of war preclude India from waging an all-out conventional war against Pakistan. Therefore, Pakistan continues to engage with India in limited probes. Enjoying an elongated geographical advantage, Pakistan operates completely on interior lines and can mobilise its holding formations to move into battle locations within 96 hours. In contrast, India keeps its strike formations deep inside the country and normally takes nine to ten days to mobilise its troops in the event of war (Paul 2009). The possession of nuclear weapons, and delivery systems based on short and medium-range missiles and aircrafts allow Pakistan to offset any large offensive that India might launch in response to Pakistan's limited probes.

More importantly, Pakistan adopts a nuclear first-use policy implying that it will 'strike with nuclear weapons in response to a conventional attack by India' (Paul 2006: 618). In contrast, India follows a no-first-use policy implying that 'it would retaliate with nuclear weapons only after absorbing a first strike by its opponent' (Paul 2006: 618). This discrepancy in nuclear strategies gives Pakistan a relative

advantage in terms of overall conventional capabilities. Its capacity, strategy, alliance relationship make the conflict less costly and sustainable for Pakistan. Therefore, the balance of power and deterrence do not offer much hope for resolving the Kashmir conflict. The mutual deterrence relationship may prevent large-scale wars but not the limited probes. It can even lead to a festering prolonged conflict. Under such conditions, neither party wants to make concessions ending the conflict. Moreover, Pakistan, the relatively weaker party, may try to precipitate different types of crises, knowing that a massive retaliation is unlikely. That is why Pakistan continues to extend its support to cross-border terrorism in order to press India to make concessions on Kashmir. This stalemate, however, offers no inducement to either side to give up the conflict.

As previously discussed, the competitive rather than complementary nature of their economies, highly protectionist trade policies, existing tariff and quota systems, other non-tariff barriers such as border controls, transport and visa problems, and other security measures, and many misgivings due to the past history of confiscating enemy property in the event of war, have largely contributed to the weak economic relations between India and Pakistan. Moreover, competition in non-traditional areas such as Afghanistan, water sharing, and access to Central Asia, mounting insurgency, the surging arms race, India's adoption of a hedging strategy, continuing bitter acrimony, hardened public perception after the Mumbai attack on either side of the border, previous deceptions, deep-seated mistrust, concern about the relative gains and security - all have prevented both countries from undertaking joint gas pipeline projects which could have positive spill-over effects on the peace process and bilateral relations. Despite some improvement in bilateral trade relations, trade and economic co-operation remain extremely low. In

many other regions, trade and economic co-operation have mitigated the ill-effects of long-standing disputes and contributed to the forward movement of conflict resolution. For example, a closer economic co-operation between Britain and France ended their overt historical rivalry. But, this is simply not happening in South Asia. The Kashmir conflict has held both countries hostage in their economic relations. As a result, bilateral trade and economic co-operation remain relatively low and have not made any positive impact on the resolution of the Kashmir conflict.

Aside from the few economic and trade relations, institutional mistrust, different regime types, competition in non-traditional areas, continuing insurgency and many other factors as discussed earlier, have delayed a peaceful resolution of the Kashmir conflict. After the Mumbai attack, Indian public perception about Pakistan has hardened as never before. As a result, India suspended the Composite Dialogue. Having succumbed to the pressures of the international community, both countries expressed their desire to resume the dialogue in February 2011. They could not, however, break the iceberg yet. At the same time, insurgency and counter-insurgency measures are continuing unabatedly. Mounting human rights violations of the Indian military in Kashmir have continued to alienate the Muslim population in Jammu and Kashmir, fuelling more violence. Beside cross-border terrorism, India faces home-grown terrorism. After the Mumbai attack, India has diverted more national resources into fighting terrorism, which could have been invested in national development. Continuing border clashes, insurgency, the arms race, and terrorism have heightened the tension on the subcontinent, despite the talk of resuming the dialogue. It also affects the efforts of improving economic and trade relations between both countries. More importantly, continuing rivalry with a much

smaller power, Pakistan, affects India's ambition of becoming a great power in Asia along with China (Colman 2009; Paul 2009).

On the other hand, Pakistan fears that the growing economic clout of India and Indian hegemony on the subcontinent will affect its security and power position (Paul 2009). Moreover, Pakistan believes that "bigger" India would not compromise on Kashmir. To weaken and force India to compromise, Pakistan continues to engage India in limited conflicts and mini wars. As a result, Pakistan faces the problem of over-militarisation of its society, and home-grown terrorism. Engaging in an arms race with a more powerful neighbour, Pakistan faces the problem of the self-destruction of its economy, driving its people into poverty. Moreover, its continuing support for cross-border terrorism strains the relations with its neighbours and the USA. Besides, over 40,000 people have died and 1 million been displaced in Kashmir since 1989 (Shekhawat 2009).

With the human, political, and economic costs of the conflict mounting, both countries have a trust deficit, and lack the political will to resume the peace process that was suspended after the Mumbai attack. Given the ground situation, Pakistan is not going to stop supporting cross-border terrorism in India. At the same time, it is too difficult if not impossible for any Indian government to risk political capital by committing itself to any significant peace initiatives. Moreover, both countries lack statesmen who can sell a compromised peace deal to their public. As a result, continuing conflicts and simmering tensions have altered the nature of the conversation around the Kashmir dispute over the years. The changing contextual conditions have altered the nature of the conflict resolution methods. Given the economic and military might of India in the region, it is highly unlikely for her to

make any territorial concessions over Kashmir that will diminish her geopolitical position and increase Pakistan's notion of geopolitical parity (Paul 2009; Singh & Gilani 2011). Moreover, India will not concede any territory to Pakistan, and the latter will not easily settle for the status quo.

Besides, Hindus and Buddhists, who constitute the majority in Jammu and Ladakh respectively, want to be an integral part of India. Moreover, an influential Hindu minority, the Pandits, are still living in the Kashmir Valley which is an overwhelmingly Muslim area (Indurthy & Haque 2010). Therefore, a plebiscite or referendum in Kashmir is no longer a viable option since India is staunchly opposed to it. At the same time, both India and Pakistan will not support the option of granting independence to Kashmir as it against their national and strategic interests. The only viable option at the current contextual condition is to convert the LoC as an international border with some border adjustments favourable to Pakistan. In addition, both countries should grant separate autonomy in their respective areas under their control while maintaining a soft border across the re-negotiated boundary so that Kashmiris can preserve their unique *Kashmiriat* identity. This would allow free human and economic exchanges across the border.

Especially after the Mumbai attack, both countries mutually suspect and distrust each other. At the moment, the situation on the ground is not ideal to resume the Composite Dialogue. To prepare the ground and to ease the simmering tensions, both countries have to take a number of measures urgently. Both should build trust in a step-by-step fashion, or in one big leap. For example, President Anwar Sadat of Egypt made a courageous decision to fly to Jerusalem in 1977, and made a historic speech before Knesset, publicly recognizing the right of Israel to exist (Wheeler

2010). Similarly, Indian Prime Minister Vajpayee visited Lahore, one of Pakistan's most historic and symbolic cities in 1999 by bus, which kick-started the peace process (Wheeler 2010). Such a symbolic big leap is now needed to resume the peace process. Otherwise, both countries have to build trust gradually by taking step-by-step confidence-building measures (CBMs).

First, India should move away from a hedging to an engagement strategy, and assure Pakistan of its serious intention to respect the latter's sovereignty and territorial integrity. Second, India should treat the Kashmiris more humanely respecting their human rights, as applicable in mainstream India, which includes rights to self-determination should they choose this option. Third, India should support the efforts of the international community to strengthen Pakistani civil society. Fourth, Pakistan should stop investing in its failed strategy of supporting cross-border terrorism, and dismantle the Jihadist infrastructure which is steering both countries towards war. Fifth, both countries should enhance trade and liberalize visa regulations. Sixth, both countries should initiate military-to-military exchanges to obviate the trust deficit.

In this study I have highlighted the key themes and dimensions shaping the Kashmir conflict. I have also shown that it is difficult to separate religion from politics in South Asia. Therefore, this study found that religion is indeed implicated in the politics surrounding the Kashmir issue. Taking into account the suggested solutions one may conclude that the Kashmir issue requires strong bilateral efforts and effective intervention from an international body to oversee the transition to peace on whatever bilaterally agreed solution. The threat of a nuclear war raises major security concerns and should not be overlooked. Judging from the actions of

India and Pakistan, this study has also found that international law and international legal institutions prove inadequate and other than what the international community expects from it. International law provides for specific duties and rights which are supposed to protect the essential attributes of states and provide for, and entrench, stability in global affairs. Despite these provisions in international law, violations continue to happen. The relevance of this is that one has observed a crisis of international law in a sense that the decolonization process and emergence of new states, with divergent cultural experiences and levels of development, has created problems similar to the Kashmir issue. From this discussion, I have shown that the Kashmir issue poses a great challenge to the security of South Asia making the region one of the most unsafe places in the world.

In the past, raised hopes were dashed away by later events. It is not so simple to find a permanent solution to this deep-rooted conflict in the near-term. The above-mentioned recommendations, however, would help ease the tension and normalise bilateral relations. As long as both countries remain obdurately in their entrenched positions, as long as they hold on obstinately to their collision course, finding a permanent solution to this intractable conflict will be fraught with difficulties.

The persistence of the Kashmir conflict may be considered through a theoretically informed prism. The neoliberal argument that, co-operation as a means to peace is easy to achieve in areas where states have mutual interests and that institutions and regimes facilitate co-operation mitigating the constraining effects of anarchy on co-operation (Lamy 2006), has failed to explain this case. I therefore conclude along the lines of the neo-realist thought that both Pakistan and India will continue to view each other as potential enemies and threats to their separate national security.

Since there are now greater margins of distrust, the mutual distrust will continue to create a security dilemma, motivating hard line policies on Kashmir in both India and Pakistan, and towards each other. Both India and Pakistan are unable to compromise on the issue of Kashmir as both states are interested in both absolute and relative gains.

RECOMMENDATION

The map on the next page intends to aid the discussion which follows about possible solutions to the Kashmir issue. The area shaded in orange depicts the Indian state of Jammu and Kashmir whereas the green shaded area depicts Pakistan occupied Kashmir. The red line shows the traditional boundary of the princely state of Kashmir (being a prospective independent state which the Kashmiris are fighting for) whereas the dotted line separating the orange from green area is the Line of Control (LoC).



Source: www.mediamonitors.net [Google maps: 2013]

There are at least three suggested ideas to potentially resolve the Kashmir issue. A plebiscite; which is a direct vote inviting the entire electorate to accept or refuse a proposal (Kumar, 1999:02) remains among potential solutions. At least three options should be on the proposal. The parties should consider the division of Kashmir according to religion; vote for independence of Kashmir or turn the LoC into a formal border separating India and Pakistan. According to Kumar (1999:02) since Jammu and Ladakh are dominated by Hindus and Buddhists conventional wisdom suggests that India might accept a plebiscite in the Kashmir valley. However, such a plebiscite may not be a favourite option among the Kashmiris because some might interpret it as a limitation to the choices available to them. Dividing Kashmir based on the religion factor, meaning that independence will never be realised.

Yet again, it is still problematic for a plebiscite as a panacea to the Kashmir question because, irrespective of religious affiliations, some Kashmiris will calculate the choice of voting to become either part of India and Pakistan taking into account economic factors (Kumar, 1999:02). Some might think that they will be better off in India and vice versa. Also opting to divide Kashmir on religious grounds might prove problematic since there is also tense relations between Sunni and Shia Muslims. Such a division would further violate the rights of peoples belonging to other religious groups and non-religious peoples. Careful attention should be drawn to this to avoid genocide massacres. Whichever decision is made, an option of a plebiscite will ensure that any decision will be democratically agreed upon and thus theoretically and legally justifiable. It is only a matter of an international body, the UN, to monitor if the terms agreed upon are realised.

It is worth recalling that Kashmiris are also in a state of war with India over self-determination, sovereignty and independence related matters. Other scholars including Kumar (1999:02) suggest that Kashmir become a sovereign and independent state.³⁵ Concerns are that if Kashmir gets independence it might be a very weak state in terms of politics, economy and militarily in terms of defence making it prone to Pakistani-related terrorist invasions (Kumar, 1999:02). Economically, Kashmir will find it hard not to depend upon external aid and thus will not be truly independent. ‘...Such sovereignty can only be possible if it is guaranteed that her neighbours, India and Pakistan accords true autonomy to it. Such a guarantee is unlikely judging by the precedent set so far in the relations of the two states’ (Vaish, 2011:72). Again it is clear that a viable solution to the Kashmir issue rests on the bilateral decision and conduct of India and Pakistan.

Both Delhi and Islamabad are at least aware that resorting to arms does not form part of a viable solution to the issues that divides them. ‘This has created a greater impetus to find a solution through talks’ (Vaish, 2011:53). They must stop undermining diplomatic efforts especially composite dialogue which is constantly characterised by bloody incidents around the LoC as well as considering a possibility of a regional body, perhaps the Arab League and/or representatives of all religious factions accompanied by UN observers must, taking into account religion, act neutrally to help them decide to at least turn the LoC into a formal border.

³⁵ For the purpose of clarity, Independence refers to the authority of a state to pursue its external relations without interference or dictation from another state whereas sovereignty means the acceptance of the sovereign authority of a state and its government over the people, land, and property within its territorial limits.

THE STRANGE LOVE

Incidentally, this year (2014) marks the fiftieth anniversary of the Dr. Strangelove movie, which was released in 1964 and Eric Schlosser's (2014) piece in the The New Yorker. The most important point to take-away from the movie was when the USA President called the Soviet Premier at the height of the crisis from the war room in the presence of the Soviet Ambassador. The conversation between the two is the best of what black comedy has to offer but has great significance for me. Both India and Pakistan have luckily survived various crises with nuclear overtones and have had the benefit of USA mediation to dissipate the escalation and tension. Both countries are telling the whole world about the credibility of their nuclear structures, how secure their C2 is, how lethal their missiles are but they both are not talking to each other about it. It is high time that both countries sit across the table from each other and talk about how they will be affected by a nuclear accident given how close in proximity they are to each other, how they should respond to each other in case of an inadvertent launch, how can they secure their international border and even the LoC against nuclear sabotage/theft and last but not the least, how can they raise awareness in their public about the consequences of a nuclear war between the two countries. These are real issues and these real issues have serious and direct implications for ordinary Pakistanis and Indians, but sadly in the last 16 years the two countries have talked to everyone but each other and their people. Ten years have passed since the Composite Dialogue between the two countries and still, the CBMs remain an *ad hoc* procedure emanating from crises.

APPENDICES

APPENDIX 1 - ACCESSION DOCUMENT

INSTRUMENT OF ACCESSION OF... JAMMU AND KASHMIR STATE

WHEREAS the Indian Independence Act, 1947, provides that as from the fifteenth day of August, 1947, there shall be set up an independent Dominion known as INDIA, and that the Government of India Act, 1935, shall, with such omissions, additions, adaptations and modification as the Governor-General may by order specify be applicable to the Dominion of India;

AND WHEREAS the Government of India Act, 1935, as so adapted by the Governor-General provides that an Indian State may accede to the Dominion of India by an Instrument of Accession executed by the Ruler thereof:

NOW THEREFORE

I, *Shriman Indar Bahadur Narsimhan* as *the Ruler of the State of Jammu and Kashmir*
Ruler of... JAMMU AND KASHMIR STATE... *Jammu Kashmir*
in the exercise of my sovereignty in and over my said State do hereby execute this my Instrument of Accession and *Kashmiri Tatars*

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor-General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall, by virtue of this my Instrument of Accession, but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the State of... JAMMU AND KASHMIR (hereinafter referred to as "this State") such functions as may be vested in them by or under the Government of India Act, 1935, as in force in the Dominion of India on the 15th day of August 1947 (which Act as so in force is hereinafter referred to as "the Act"). *Tibet side*
Deshabhojpur

2. I hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within this State so far as they are applicable therein by virtue of this my Instrument of Accession.

3. I accept the matters specified in the Schedule hereto as the matters with respect to which the Dominion Legislature may make laws for this State.

4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor-General and the Ruler of this State whereby any functions in relation to the administration in this State of any law of the Dominion Legislature shall be exercised by the Ruler of this State, then any such agreement shall be deemed to form part of this Instrument and shall be construed and have effect accordingly.

5. The terms of this my Instrument of Accession shall not be varied by any amendment of the Act or of the Indian Independence Act, 1947 unless such amendment is accepted by me by an Instrument supplementary to this Instrument.

6. Nothing in this Instrument shall empower the Dominion Legislature to make any law for this State authorising the compulsory acquisition of land for any purpose, but I hereby undertake that should the Dominion for the purposes of a Dominion law which applies in this State deem it necessary to acquire any land, I will at their request acquire the land at their expense or if the land belongs to me transfer it to them on such terms as may be agreed, or, in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.

7. Nothing in this Instrument shall be deemed to commit me in any way to acceptance of any future constitution of India or to fetter my discretion to enter into arrangements with the Government of India under any such future constitution.

8. Nothing in this Instrument affects the continuance of my sovereignty in and over this State, or, save as provided by or under this Instrument, the exercise of any powers, authority and rights now enjoyed by me as Ruler of this State or the validity of any law at present in force in this State.

9. I hereby declare that I execute this Instrument on behalf of this State and that any reference in this Instrument to me or to the Ruler of the State is to be construed as including a reference to my heirs and successors.

Given under my hand this 26th day of ~~August~~ OCTOBER Nineteen hundred and forty seven.

Har Singh
Har Singh Ruler of Jammu and Kashmir State
1947

I do hereby accept this Instrument of Accession.

Dated this twentieth day of ~~August~~ OCTOBER Nineteen hundred and forty seven.

Maunul Haque
 (Governor-General of India)

THE WHITE HOUSE
WASHINGTON

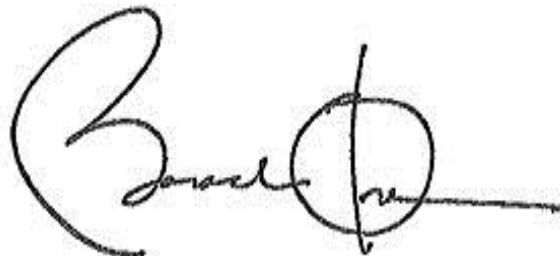
September 28, 2012

Dear Mr. Speaker:

In accordance with section 115(c) of the Continuing Appropriations Resolution, 2013, I hereby designate for Overseas Contingency Operations/Global War on Terrorism all funding so designated by the Congress in section 115(a) pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, as outlined in the enclosed list of accounts.

The details of this action are set forth in the enclosed letter from the Deputy Director for Management of the Office of Management and Budget.

Sincerely,

A handwritten signature in black ink, appearing to be "Barack Obama", with a large circular flourish on the left and a horizontal line extending from the right.

APPENDIX 3 – MAJOR TERRORIST ATTACK IN INDIA

426 India Review

TABLE 4
MAJOR TERRORIST ATTACKS IN INDIA DURING UPA REGIME*

Date and location	Details of attack	Impact on India-Pakistan relations
October 29, 2005, New Delhi	Three bombs placed in busy New Delhi markets on Diwali-eve kill 62	PM Manmohan Singh alleges "external linkages" for the attack but talks continue.
March 7, 2006 Varanasi	Bombs at a railway station and a temple in Varanasi kill 20	LET and HUJI blamed, but no major impact on bilateral relations
July 11, 2006 Mumbai	Bombs on Mumbai's suburban trains kill 187 and injure 700	India postpones foreign secretary level talks, as part of the composite dialogue
Sept 8, 2006 Malegaon	30 dead in twin blasts at a mosque in Malegaon	Nil. Recent news reports indicate involvement of Hindu right wing elements.
Feb 19, 2007	Bombs placed in the Samjhauta Express kills 66 passengers	Nil.
May 18, 2007 Hyderabad	A bomb at Mecca mosque in Hyderabad kills 11	Nil
Aug 25, 2007 Hyderabad	30 dead, 60 hurt in Hyderabad blasts	Nil, although Andhra Pradesh Chief Minister, Y.S. Rajasekhara Reddy, blamed terrorist groups operating from Bangladesh and Pakistan.
Oct 11, 2007 Ajmer	2 killed in a blast inside Ajmer Sharif shrine in Rajasthan	Nil. Some news reports link Hindu right wing elements with this incident.
Nov. 23, 2007 Uttar Pradesh	Six consecutive blasts in Lucknow, Varanasi and Faizabad kill around 26 persons	Nil.
Jan 1, 2008 Rampur, UP	Terrorist strike on CRPF camp in Rampur kills eight	Nil
May 13, 2008 Jaipur	65 killed, 150 injured as serial blasts rock Jaipur	No impact on bilateral relations, India refrains from accusing Pakistan based groups for attack. Claimed by "Indian Mujahideen"
July 25, 2008 Bangalore	Seven blasts strike the IT city of Bangalore killing two people and wounding at least 20.	Nil
July 26, 2008 Ahmedabad	17 bombs strike marketplaces and residential areas in Ahmedabad killing 49 and wounds over 100	Indian foreign secretary claims that the composite dialogue is "under stress". Blasts claimed by "Indian Mujahideen"
Sept 13, 2008 New Delhi	5 bombs explode in public places in Delhi killing 30 and injuring 90	Nil. Claimed by "Indian Mujahideen"
Nov 26-29, 2008 Mumbai	Simultaneous attacks at prominent Mumbai landmarks carried out by sea-borne terrorists from Pakistan kill around 180 civilians.	Public outrage in India. Composite dialogue "paused." India shares evidence linking attacks to elements in Pakistan with the international community

*(Excluding incidents by Naxalite and various NE insurgent outfits).

be connected to Pakistani intelligence agencies. Moreover, the spread of radical Islamist ideology in support of terror (as represented by the Indian Mujahideen manifesto) and the relative ease of communication, recruitment, and training, all suggest that the "infrastructures" of terror

CHATHAM HOUSE MEMORANDA

THE BAGHDAD PACT
Origins and Political Setting

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The Information Department

RIIA

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Appendix I

AGREEMENT BETWEEN TURKEY AND PAKISTAN^{1/}

Reaffirming their faith in the purposes and principles of the Charter of the United Nations and their determination always to endeavour to apply and give effect to these purposes and principles,

Desirous of promoting the benefits of greater mutual co-operation deriving from the sincere friendship happily existing between them,

Recognizing the need for consultation and co-operation between them in every field for the purpose of promoting the well-being and security of their peoples,

Being convinced that such co-operation would be to the interest of all peace-loving nations and in particular also to the interest of nations in the region of the contracting parties, and would consequently serve to ensure peace and security which are both indivisible,

Have, therefore, decided to conclude this Agreement for friendly co-operation and for this purpose, have appointed as their Plenipotentiaries:

For Pakistan: Chaudhri Mohammad Zafrulla Khan,
Minister of Foreign Affairs and Commonwealth
Relations,

For Turkey: His Excellency Monsieur Selahattin
Refet Arbel, Ambassador of Turkey

who, after presentation of their full powers, found in good and due form, have agreed as follows:

ARTICLE 1

The contracting parties undertake to refrain from intervening in any way in the internal affairs of each other and from participating in any alliance or activities directed against the other.

ARTICLE 2

The contracting parties will consult on international matters of mutual interest and, taking into account international requirements and conditions, co-operate between them to the maximum extent.

ARTICLE 3

The contracting parties will develop the co-operation already established between them in the cultural field under a separate Agreement, in

^{1/} Dawn, 3 April 1954.

THE BAGHDAD PACT

Origins and Political Setting

Causes of Arab Hostility to the West

The creation of the State of Israel in 1948, as a result of Great Britain's decision to end the Palestine mandate by 15 May of that year, and the subsequent fighting that broke out between Jews and Arabs, left a legacy of Arab suspicion of the West. The United Nations had in November 1947, not without strong Zionist lobbying,¹ adopted a scheme of partition. Britain abstained from voting and refused to put into operation any plan that did not have the approval of both Arabs and Jews. Since Arab approval was not forthcoming and Britain was nevertheless determined to withdraw from the mandate in May 1948, as arranged, there developed open warfare between Arabs and Jews which left the Jews in possession of more territory than was envisaged under the UN plan. Although Britain had refused to implement the UN plan, in which the USA, under Zionist pressure from New York Jews,² had been the prime mover, she was nevertheless associated in Arab minds with the creation of Israel through her failure to prevent its formation.

The defeat of the Arabs by the numerically inferior Jews left them with a bitter desire for revenge, while the Arab refugees, amounting to nearly 726,000,³ who had fled their homes in Palestine remained as a festering sore and an obstacle to any settlement. The military weakness of the Arabs which the war with Israel had revealed led in April 1950 to the conclusion under the auspices of the Arab League of an Inter-Arab Joint Defence Alliance (the Arab League Security Pact), the original signatories of which were Egypt, the Lebanon, Saudi Arabia, and Syria, who were later joined by Iraq and Jordan. Owing to differences between them, the pact was never implemented.

There have always been rivalries between the Arab States. There is the traditional enmity between the Hashimite dynasty (which has provided

¹/ George Kirk, The Middle East, 1945-50 (R.I.I.A., Survey of International Affairs 1939-46), p. 250.

²/ *ibid.*

³/ Estimate given in Clapp Report (UN, Economic Survey Mission for the Middle East, Final Report, Part I, New York, 28 December 1949), p. 22.

On 2 April 1954 the pact^{1/} was signed and the signatories issued an invitation to neighbouring countries to join the alliance. It was reported^{2/} that Britain had advised Iraq to delay joining the pact owing, no doubt, to its effect on Egypt, since negotiations with that country regarding the Suez Canal Zone had reached a critical stage. The same month it was announced that Iraq would receive US military aid on the usual terms: that it should be used only for self-defence and internal security. Meanwhile, US military and economic aid was, at the request of Britain, being withheld from Egypt pending a settlement of her dispute with the UK on conditions for the re-entry of British troops after the evacuation of Suez. Later in the year, when the point at issue had been settled and agreement virtually reached, Egypt refused US military aid because of the conditions attached. On 19 May 1954 the US signed a mutual defence pact with Pakistan, and in June, on the occasion of a visit by Pakistan's Prime Minister to Turkey, the instruments of ratification of the pact between these two countries were exchanged.

Iraqi - Turkish Moves Towards Security, and Egypt's Reactions

The conclusion of the Anglo-Egyptian Treaty^{3/} of 19 October 1954, by which Britain agreed to evacuate the Suez Base - although she had the right of re-entry in the event of an attack against Turkey or any of the Arab League States - brought fresh urgency to the old problem of finding some means to persuade the countries of the Middle East to combine for their own protection from the potential danger from Russia, the more so in view of Western dependence on Middle East oil. In the circumstances, Britain welcomed the initiative of Iraq's Prime Minister, Nuri Pasha, when towards the end of 1954, himself keenly aware of his country's exposed position, he wished to explore the possibility of setting up a Middle East defence organization on the lines of NATO with which Great Britain and possibly the US should be associated. For this purpose Nuri Pasha visited Egypt, Great Britain, and Turkey. The joint architect with Nuri of this scheme was the Turkish Government, led by its President, Celal Bayar, and Prime Minister, Adnan Menderes. Attempts to revive the Arab League Security Pact proved a failure. Despite an optimistic statement issued from Iraq stating that full agreement had been reached on strengthening the pact following a meeting of the Foreign Ministers of the Arab League, nothing further transpired.

In January 1955, after a visit by the Turkish Prime Minister to Baghdad, the decision to conclude a treaty between Turkey and Iraq was announced, it being made clear that the pact was not intended to be merely

^{1/} For text (Dawn, 3 April 1954), see Appendix I below.

^{2/} Scotsman, 21 April 1954.

^{3/} Cmd. 9298, 1954.

soon joined forces with Egypt and Saudi Arabia. Early in March it was announced that Egypt and Syria had signed a pact, and shortly afterwards a joint communiqué by the two countries together with Saudi Arabia was issued. Both Syria and the Lebanon hoped to act as intermediaries in healing the breach between Iraq and Egypt. Iraq was able to persuade the Syrian Prime Minister to try and alter the clause forbidding alliances outside the Arab area since Syria did not wish to see Iraq excluded from the pact. Some elements in the Lebanon would have liked to join the Baghdad Pact but close trading links with Egypt provided a deterrent. Despite threats by Saudi Arabia to impose economic sanctions against her, the Lebanon did not at first join the ranks of Egypt, Saudi Arabia, and Syria but preferred to be neutral in the dispute. Later, in the summer, under a new government, her policy veered towards Egypt. In February Turkey presented three training planes to Jordan but this did not result in Jordan joining the Baghdad Pact. Nor could Egypt, Saudi Arabia, and Syria persuade her to join them. The Yemen, whose representative had unavoidably arrived late at the January Cairo meeting, announced her support for the Egyptian-sponsored pact. But in view of the lack of support forthcoming from Jordan and the Lebanon, together with Syria's reservations, the meeting called by Egypt of those countries which she wished to see included in the pact was postponed and for the time being the idea was dropped.

Deterioration in Arab-Israeli Relations and its Consequences

February 1955 had seen a rapid worsening of Jewish-Arab relations with the execution of two Jews in Cairo on charges of espionage and the Israeli raid on Gaza, which appeared to have been deliberately planned and not merely the work of hotheads temporarily out of control.^{1/} This worsening of relations served to focus Arab attention more closely on Israel rather than on the possible dangers from Russia which the Baghdad Pact was designed to meet. In consequence, the chances of success of the Baghdad Pact diminished in proportion as Arab-Israeli relations deteriorated and a protagonist of the pact, Dr Jamali, a former Prime Minister of Iraq was reported as saying (presumably in order to make it sound attractive to Arab ears) that the Baghdad Pact offered the Arab States an opportunity to strangle Israel.^{2/} However, while Egyptian-Iraqi relations had deteriorated in May almost to the point of a break in relations between the two countries (owing to Egyptian propaganda against Iraq), the worsening of Arab-Israeli relations throughout the summer brought a rapprochement between the two countries born of a feeling of solidarity in a common cause.

^{1/} See UN Security Council Resolution, 28 March 1955 (S/3378).

^{2/} Dawn, 22 July 1955.

important product, the sale of which is essential to her economy. Other indications of Russian efforts to produce closer links with Egypt were the opening of a Soviet cultural centre in Cairo in September; the proposed visit of Colonel Nasser to the USSR, Hungary, and Czechoslovakia in the spring of 1956, and vague Russian offers which were received by Egypt to finance the Aswan dam.^{1/} It was also reported that the Egyptian Tourist Department was negotiating for an office to be opened in Moscow. Saudi Arabia had been offered arms by the Soviets and an exchange of diplomatic relations. Syria, the only Arab State in which the Communist Party is legal, had already concluded trade agreements with Poland and Czechoslovakia and was to negotiate one with Russia. Both countries in November agreed to raise the status of their respective diplomatic missions to embassies. There was a possibility that Syria, too, might buy Czech arms. Russia and the Yemen agreed to exchange diplomatic relations and a treaty of friendship of 1927 which had lapsed in 1954 was renewed the following year. Moreover the USSR had offered to build factories there. The Lebanon already had a trade agreement with Russia signed in 1954. In Moscow the Kremlin has held an 'Arab evening' for the representatives of Egypt, Syria, and Lebanon.

Further outflanking the 'northern tier', it was reported in November that Afghanistan had accepted an offer of Czech arms and that the Russians were working on a development project in that country. More recently there has been the visit of Marshal Bulganin and Mr Khrushchev to Afghanistan and their support for the Pakhtoonistan irredentist movement against Pakistan. To the south, both Liberia and Libya have agreed to establish diplomatic relations with the USSR and, in the case of Libya, the Soviet Ambassador arrived at the beginning of January 1955. Ethiopia had already had a Russian diplomatic mission for some years. Russian action, which is as continuous, challenging, and eroding as the sea, has been a double-edged weapon against the Baghdad Pact. By friendly gestures she was seeking to lull what little sense of danger existed in most of the Arab States, and by Trojan horse tactics to reap her harvest in due course.

Extension of the Baghdad Pact and Egyptian Countermoves

Meanwhile, two events had served to encourage the Baghdad Pact Powers: the accession to the pact of Pakistan and Persia. In February 1955 the Prime Minister of Turkey had visited Pakistan who, at the beginning of July, announced her intention to join the pact, which she did on 23 September. In the case of Persia, her action was taken in the teeth of Soviet opposition. In view of her long tradition of neutrality, Persia's adherence to the Baghdad Pact was almost unexpected. Russian efforts to wean Persia from

^{1/} For Russian agreement with Egypt on the establishment of a nuclear energy laboratory in Cairo, see p. 10.

such a course included an invitation to a certain number of senators and deputies to visit the Soviet Union and an offer made over the radio of agricultural help, while on the other side the Turkish President visited Persia in September. But it was not until the Russian sale of Czech arms to Egypt had been announced that the country finally took the plunge. On 11 October Persia announced her decision to adhere after the Shah had urged his Government to do so, and a military mission was reported to be visiting Turkey. Despite Russian notes of protest and the cancellation of trade transactions, the decision was endorsed by both Houses of Parliament and received the Shah's signature on 25 October.

The autumn also brought gains for Egypt. Her idea of an Arab League Pact aimed against Iraq having failed, she sought to find a substitute in bilateral pacts. A pact was signed with Syria on 20 October, as a result of which a joint military command was set up with headquarters in Damascus. The following month the Syrian Prime Minister said that his country would not conclude a bilateral military agreement with Iraq nor could he fix a date for a visit to that country. A bilateral pact was also signed by Egypt with Saudi Arabia on 27 October. At the time of writing, the Lebanon has not signed a similar pact with Egypt nor has a military pact with Syria, which she had agreed to conclude, yet been signed.

The Council of the Baghdad Pact Meets

The Russian sale of Czech arms to Egypt had made it necessary for the Baghdad Pact Powers to attempt to regain the initiative. This consideration, together with the fact that Pakistan and Persia had now joined, resulted in a meeting of the Council of the Baghdad Pact, which opened in Baghdad on 21 November, after Sir Anthony Eden's Guildhall speech on 9 November¹ had been well received in the Arab world because it was held to advocate by implication territorial concessions by Israel. As a result of the meeting, to which the British delegate was the then Foreign Secretary, Mr Macmillan, it was decided that a permanent economic and military headquarters should be set up in Baghdad and that a full session of the Council should be held once a year in each country of the Pact. The US wished to establish permanent liaison with the economic and military committees, and was represented at the meeting by observers. Persia voiced her hope that the US would accede to the Pact, but no response was forthcoming; and later Mr Dulles said² that the US would join when it decided that such action would contribute to the stability of the area.

¹/ The Times, 10 November 1955.

²/ New York Herald Tribune, 12 January 1956.

Because of the dangers to which too much stress on the military aspect might give rise, the emphasis at the meeting and since has been on economic help. That a British offer of industrial atomic help to Baghdad Pact countries was likely to have some effect could be seen from the instant reaction of the Soviet Union, whose Ambassador to Egypt shortly afterwards had a long interview with the Secretary General of the Arab League, when similar Russian help on atomic energy was offered. In February 1956 it was announced that Egypt had entered into an agreement by which the Soviet Union would establish a nuclear energy laboratory in Cairo, send specialists as consultants, and train Egyptian scientists in Russian scientific research establishments. Notwithstanding the possible effect that the British offer might have been expected to have, a suggestion by Mr Macmillan that the Lebanon should join the economic committee only if the Baghdad Pact was turned down by the Lebanon, despite a visit by him to that country. In January 1956 a meeting of the economic committee was held, at which it was decided to establish in Baghdad an atomic energy training centre for members of the Pact.

Jordan and the Baghdad Pact

The end of 1955 saw the climax to the attempt to secure Jordan's adherence to the Baghdad Pact. Jordan, influenced by the revised Anglo-Egyptian Treaty, which had set a new standard of relations in the Middle East, had earlier asked Great Britain to consider the revision of the Anglo-Jordanian Treaty, concluded as recently as 1948 and not due to expire until 1963. It has already been seen that Jordan remained uncommitted after a Turkish presentation of three training planes in February 1955, and she similarly resisted the overtures of various visiting statesmen, including the Turkish President. It must be remembered that Jordan is in a particularly difficult position. Although her King, Hussein, is a first cousin of the King of Iraq and was educated in Great Britain, and could therefore be expected to be in sympathy with the Baghdad Pact, his country has the largest contingent of Palestine refugees, whose entire energies are concentrated on their desire for vengeance on Israel and who in consequence have little use for the Baghdad Pact. However, when the British Government suggested that it should strengthen and re-equip units of the Arab Legion and at the same time negotiate a replacement of the Anglo-Jordanian agreement of 1948 under Article 1 of the Baghdad Pact,¹ as in the case of Iraq, they were led to believe that the Jordan Government was interested in the proposal.

General Templer was sent out to Amman to explain details of the technical re-equipment and, as he imagined, to sign the special agreement.

¹/ See Appendix II.

(The despatch of ten Vampire planes as a gift from the United Kingdom to the Jordan Government had previously been announced.) A number of misunderstandings appear to have arisen, but the upshot was that the Palestinian members of the Jordan Cabinet, who represented the refugees, resigned, presumably on the issue of adherence to the Baghdad Pact which the transaction involved. A new government was formed, designed to carry through the proposed adherence, but at this point serious rioting broke out. Under pressure of the riots the Government resigned and a caretaker Cabinet was installed. The new Government was pledged to a policy of avoiding new alliances, and in a broadcast King Hussein promised Jordan's support for Arab unity. The Chamber of Deputies was dissolved by royal decree and elections planned to take place in March or April. When a Supreme Court ruling judged the King's action in dissolving the Chamber of Deputies to be unconstitutional, the caretaker Government resigned and rioting broke out afresh, since the Opposition was afraid both that there would be a return to the pro-Baghdad Pact policy of the former Government and that their hope of securing many more seats in a new election would remain unfulfilled.

Both in these and in the earlier riots the chief targets were US property and Point Four aid installations, which were looted and burned, the damage being estimated at £150,000. The situation in each case was brought under control by the Arab Legion only after strong measures had been taken and a curfew imposed. An explosive situation was kept under control owing to the fine discipline of the Legion, which in turn was due to its British officers. The Opposition National Socialist leader, Soloiman el Nabulsi, demanded that Glubb and the other British officers should go; and the present Government, appointed to replace the caretaker Cabinet but also pledged to no alliances, was then faced both with the problem which this demand presented, and with the revision of the Anglo-Jordanian Treaty.

Meanwhile Egypt, Saudi Arabia, and Syria were seeking means by which to make Jordan financially independent of Britain, from whom she receives a large yearly subsidy. An urgent meeting was suggested of the heads of the Arab States to discuss the matter of financial aid to Jordan. Although various reports on the grant of this financial aid were circulated, including one that Russia had offered to underwrite such a loan, the Jordan Foreign Minister denied that any such aid had in fact materialized. The Jordan Government has also refused a direct offer of aid from Russia and a suggestion that diplomatic relations should be established with the Soviet Union.

King Hussein of Jordan has suggested that a meeting should be held in Amman of the heads of all Arab States in order to discuss their differences and thus to heal the breach between Iraq and Egypt. At the time of writing Iraq has accepted but Egypt has refused to attend.

Conclusion

The position of the Baghdad Pact is clearly a precarious one. It has the support of only one Arab State, and much of that support is centered in one man, Nuri Pasha. Any deterioration in the highly inflammable state of Arab-Israeli relations is likely to react to the detriment of the Pact. It remains to be seen how far the wish to receive Western aid will counteract the Arab desire for independence and neutrality, and how far Russia's intervention in the Middle East will influence the course of events. Meanwhile the best hope lies in a solution to the Arab-Israeli problem which, in view of US reluctance to undertake commitments in an election year, is not likely to prove an easy task.

14 February 1956

Chatham House,
10 St James's Square,
London, S.W.1.

THE BAGHDAD PACT^{1/}

Pact of Mutual Co-operation Between Iraq and Turkey

Baghdad, 24 February 1955

Whereas the friendly and brotherly relations existing between Iraq and Turkey are in constant progress, and in order to complement the contents of the Treaty of Friendship and Good Neighbourhood concluded between His Majesty the King of Iraq and his Excellency the President of the Turkish Republic signed in Ankara on March 29, 1946, which recognized the fact that peace and security between the two countries is an integral part of the peace and security of all nations of the world and in particular the nations of the Middle East, and that it is the basis for their foreign policies;

Whereas article 11 of the Treaty of Joint Defence and Economic Co-operation between the Arab League States provides that no provision of that treaty shall in any way affect, or is designed to affect, any of the rights and obligations accruing to the Contracting Parties from the United Nations Charter;

And having realized the great responsibilities borne by them in their capacity as members of the United Nations concerned with the maintenance of peace and security in the Middle East region which necessitate taking the required measures in accordance with article 51 of the United Nations Charter;

They have been fully convinced of the necessity of concluding a pact fulfilling these aims, and for that purpose have appointed as their plenipotentiaries:

[Here follow names of plenipotentiaries]

. . . have agreed as follows:

ARTICLE 1

Consistent with article 51 of the United Nations Charter the High Contracting Parties will co-operate for their security and defence. Such measures as they agree to take to give effect to this co-operation may form the subject of special agreements with each other.

ARTICLE 2

In order to ensure the realization and effect application of the co-operation provided for in article 1 above, the competent authorities of the High Contracting Parties will determine the measures to be taken as soon as the present pact enters into force. These measures will become operative as soon as they have been approved by the Governments of the High Contracting Parties.

^{1/} Cmd. 9429.

ARTICLE 3

The High Contracting Parties undertake to refrain from any interference whatsoever in each other's internal affairs. They will settle any dispute between themselves in a peaceful way in accordance with the United Nations Charter.

ARTICLE 4

The High Contracting Parties declare that the dispositions of the present pact are not in contradiction with any of the international obligations contracted by either of them with any third State or States. They do not derogate from and cannot be interpreted as derogating from, the said international obligations. The High Contracting Parties undertake not to enter into any international obligation incompatible with the present pact.

ARTICLE 5

This pact shall be open for accession to any member of the Arab League or any other State actively concerned with the security and peace in this region and which is fully recognized by both of the High Contracting Parties. Accession shall come into force from the date of which the instrument of accession of the State concerned is deposited with the Ministry for Foreign Affairs of Iraq.

Any acceding State party to the present pact may conclude special agreements, in accordance with article 1, with one or more States parties to the present pact. The competent authority of any acceding State may determine measures in accordance with article 2. These measures will become operative as soon as they have been approved by the Governments of the parties concerned.

ARTICLE 6

A Permanent Council at ministerial level will be set up to function within the framework of the purposes of this pact when at least four Powers become parties to the pact.

The Council will draw up its own rules of procedure.

ARTICLE 7

This pact remains in force for a period of five years renewable for other five-year periods. Any Contracting Party may withdraw from the pact by notifying the other parties in writing of its desire to do so six months before the expiration of any of the above-mentioned periods, in which case the pact remains valid for the other parties.

ARTICLE 8

This pact shall be ratified by the contracting parties and ratifications shall be exchanged at Ankara as soon as possible. Thereafter it shall come into force from the date of the exchange of

Tashkent Declaration

January 10, 1966

The Prime Minister of India and the President of Pakistan, having met at

Tashkent and having discussed the existing relations between India and

Pakistan hereby declare their firm resolve to restore normal and peaceful relations between their countries and to promote understanding and friendly relations between their peoples. They consider the attainment of these objectives of vital importance for the welfare of the 600 million people of India and Pakistan.

(i) The Prime Minister of India and the President of Pakistan agree that both sides will exert all efforts to create good neighborly relations between India and Pakistan in accordance with the United Nations Charter. They reaffirm their obligation under the Charter not to have recourse to force and to settle their disputes through peaceful means. They considered that the interests of peace in their region and particularly in the Indo-Pakistan subcontinent and indeed, the interests of the peoples of India and Pakistan were not served by the continuance of tension between the two countries. It was against this background that Jammu & Kashmir was discussed, and each of the sides set forth its respective position.

Troops Withdrawal

(ii) The Prime Minister of India and the President of Pakistan have agreed that all armed personnel of the two countries shall be

withdrawn not later than 25 February 1966 to the positions they held prior to 5 August 1965, and both sides shall observe the cease-fire terms on the cease-fire line.

(iii) The Prime Minister of India and the President of Pakistan have agreed that relations between India and Pakistan shall be based on the principle of non-interference in the internal affairs of each other.

(iv) The Prime Minister of India and the President of Pakistan have agreed that both sides will discourage any propaganda directed against the other country and will encourage propaganda which promotes the development of friendly relations between the two countries.

(v) The Prime Minister of India and the President of Pakistan have agreed that the High Commissioner of India to Pakistan and the High Commissioner of Pakistan of India will return to their posts and that the normal functioning of diplomatic missions of both countries will be restored. Both Governments shall observe the Vienna Convention of 1961 on Diplomatic Intercourse.

Trade Relations

(vi) The Prime Minister of India and the President of Pakistan have agreed to consider measures towards the restoration of economic and trade relations, communications as well as cultural exchanges between India and Pakistan, and to take measures to implement the existing agreement between India and Pakistan.

(vii) The Prime Minister of India and the President of Pakistan have agreed that they will give instructions to their respective authorities to carry out the repatriation of the prisoners of war.

(viii) The Prime Minister of India and the President of Pakistan have agreed that the two sides will continue the discussions of questions relating to the problems of refugees and eviction of illegal

immigrations. They also agreed that both sides will create conditions which will prevent the exodus of people. They further agree to discuss the return of the property and assets taken over by either side in connection with the conflict.

Soviet Leaders Thanked

(ix) The Prime Minister of India and the President of Pakistan have agreed that the two sides will continue meetings both at highest and at other levels of matters of direct concern to both countries. Both sides have recognized the need to set up joint Indian-Pakistani bodies which will report to their Governments in order to decide what further steps should be taken.

(x) The Prime Minister of India and the President of Pakistan record their feelings, deep appreciation and gratitude to the leaders of the Soviet Union, the Soviet Government and personally to the Chairman of the Council of Ministers of the USSR for their constructive, friendly and noble part in bringing about the present meeting which has resulted in mutually satisfactory results. They also express to the Government and friendly people of Uzbekistan their sincere thankfulness for their overwhelming reception and generous hospitality. They invite the Chairman of the Council of Ministers of the USSR to witness this declaration.

Tashkent, January 10, 1966

Lal Bahadur Shastri
Prime Minister of India

Mohammed Ayub Khan
President of Pakistan

Peace Agreements Digital Collection

India-Pakistan >> The Lahore Declaration

The Lahore Declaration

| Joint Statement | Memorandum of Understanding |

The following is the text of the Lahore Declaration signed by the Prime Minister, Mr. A. B. Vajpayee, and the Pakistan Prime Minister, Mr. Nawaz Sharif, in Lahore on Sunday:

The Prime Ministers of the Republic of India and the Islamic Republic of Pakistan:

Sharing a vision of peace and stability between their countries, and of progress and prosperity for their peoples;

Convinced that durable peace and development of harmonious relations and friendly cooperation will serve the vital interests of the peoples of the two countries, enabling them to devote their energies for a better future;

Recognising that the nuclear dimension of the security environment of the two countries adds to their responsibility for avoidance of conflict between the two countries;

Committed to the principles and purposes of the Charter of the United Nations, and the universally accepted principles of peaceful co- existence;

Reiterating the determination of both countries to implementing the Simla Agreement in letter and spirit;

Committed to the objective of universal nuclear disarmament and non-proliferation;

Convinced of the importance of mutually agreed confidence building measures for improving the security environment;

Recalling their agreement of 23rd September, 1998, that an environment of peace and security is in the supreme national interest of both sides and that the resolution of all outstanding issues, including Jammu and Kashmir, is essential for this purpose;

Have agreed that their respective Governments:

shall intensify their efforts to resolve all issues, including the issue of Jammu and Kashmir.

shall refrain from intervention and interference in each other's internal affairs.

shall intensify their composite and integrated dialogue process for an early and positive outcome of the agreed bilateral agenda.

shall take immediate steps for reducing the risk of accidental or unauthorised use of nuclear weapons and discuss concepts and doctrines with a view to elaborating measures for confidence building in the nuclear and conventional fields, aimed at prevention of conflict.

reaffirm their commitment to the goals and objectives of SAARC and to concert their efforts towards the realisation of the SAARC vision for the year 2000 and beyond with a view to promoting the welfare of the peoples of South Asia and to improve their quality of life through accelerated economic growth, social progress and cultural development.

reaffirm their condemnation of terrorism in all its forms and manifestations and their determination to combat this menace.

shall promote and protect all human rights and fundamental freedoms.

Signed at Lahore on the 21st day of February 1999.

Atal Behari Vajpayee - Prime Minister of the Republic of India

Muhammad Nawaz Sharif - Prime Minister of the Islamic Republic of Pakistan

Joint statement

The following is the text of the Joint Statement issued at the end of the Prime Minister, Mr. A. B. Vajpayee's visit to Lahore:

In response to an invitation by the Prime Minister of Pakistan, Mr. Muhammad Nawaz Sharif, the Prime Minister of India, Shri Atal Behari Vajpayee, visited Pakistan from 20-21 February, 1999, on the inaugural run of the Delhi-Lahore bus service.

2. The Prime Minister of Pakistan received the Indian Prime Minister at the Wagah border on 20th February 1999. A banquet in honour of the Indian Prime Minister and his delegation was hosted by the Prime Minister of Pakistan at Lahore Fort, on the same evening. Prime Minister, Atal Behari Vajpayee, visited Minar-e- Pakistan, Mausoleum of Allama Iqbal, Gurudawara Dera Sahib and Samadhi of Maharaja Ranjeet Singh. On 21st February, a civic reception was held in honour of the visiting Prime Minister at the Governor's House.

3. The two leaders held discussions on the entire range of bilateral relations, regional cooperation within SAARC, and issues of international concern. They decided that:

(a) The two Foreign Ministers will meet periodically to discuss all issues of mutual concern, including nuclear related issues.

(b) The two sides shall undertake consultations on WTO related issues with a view to coordinating their respective positions.

- (c) The two sides shall determine areas of cooperation in Information Technology, in particular for tackling the problems of Y2K.
- (d) The two sides will hold consultations with a view to further liberalising the visa and travel regime.
- (e) The two sides shall appoint a two member committee at ministerial level to examine humanitarian issues relating to Civilian detainees and missing POWs.
4. They expressed satisfaction on the commencement of a Bus Service between Lahore and New Delhi, the release of fishermen and civilian detainees and the renewal of contacts in the field of sports.
5. Pursuant to the directive given by the two Prime Ministers, the Foreign Secretaries of Pakistan and India signed a Memorandum of Understanding on 21st February 1999, identifying measures aimed at promoting an environment of peace and security between the two countries.
6. The two Prime Ministers signed the Lahore Declaration embodying their shared vision of peace and stability between their countries and of progress and prosperity for their peoples.
7. Prime Minister, Atal Behari Vajpayee extended an invitation to Prime Minister, Muhammad Nawaz Sharif, to visit India on mutually convenient dates.
8. Prime Minister, Atal Behari Vajpayee, thanked Prime Minister, Muhammad Nawaz Sharif, for the warm welcome and gracious hospitality extended to him and members of his delegation and for the excellent arrangements made for his visit.

Lahore,

February 21, 1999.

.....

Memorandum of Understanding

The following is the text of the Memorandum of Understanding signed by the Foreign Secretary, Mr. K. Raghunath, and the Pakistan Foreign Secretary, Mr. Shamshad Ahmad, in Lahore on Sunday:

The Foreign Secretaries of India and Pakistan:-

Reaffirming the continued commitment of their respective governments to the principles and purposes of the U.N. Charter;

Reiterating the determination of both countries to implementing the Shimla Agreement in letter and spirit;

Guided by the agreement between their Prime Ministers of 23rd September 1998 that an environment of peace and security is in the supreme national interest of both sides and that resolution of all outstanding issues, including Jammu and Kashmir, is essential for this purpose;

Pursuant to the directive given by their respective Prime Ministers in Lahore, to adopt measures for promoting a stable environment of peace, and security between the two countries;

Have on this day, agreed to the following:-

1. The two sides shall engage in bilateral consultations on security concepts, and nuclear doctrines, with a view to developing measures for confidence building in the nuclear and conventional fields, aimed at avoidance of conflict.
2. The two sides undertake to provide each other with advance notification in respect of ballistic missile flight tests, and shall conclude a bilateral agreement in this regard.
3. The two sides are fully committed to undertaking national measures to reducing the risks of accidental or unauthorised use of nuclear weapons under their respective control. The two sides further undertake to notify each, other immediately in the event of any accidental, unauthorised or unexplained incident that could create the risk of a fallout with adverse consequences for both sides, or an outbreak of a nuclear war between the two countries, as well as to adopt measures aimed at diminishing the possibility of such actions, or such incidents being misinterpreted by the other. The two side shall identify/establish the appropriate communication mechanism for this purpose.
4. The two sides shall continue to abide by their respective unilateral moratorium on conducting further nuclear test explosions unless either side, in exercise of its national sovereignty decides that extraordinary events have jeopardised its supreme interests.
5. The two sides shall conclude an agreement on prevention of incidents at sea in order to ensure safety of navigation by naval vessels, and aircraft belonging to the two sides.
6. The two sides shall periodically review the implementation of existing Confidence Building Measures (CBMs) and where necessary, set up appropriate consultative mechanisms to monitor and ensure effective implementation of these CBMs.
7. The two sides shall undertake a review of the existing communication links (e.g. between the respective Directors- General, Military Operations) with a view to upgrading and improving these links, and to provide for fail-safe and secure communications.
8. The two sides shall engage in bilateral consultations on security, disarmament and non-proliferation issues within the context of negotiations on these issues in multilateral fora.

Where required, the technical details of the above measures will be worked out by experts of the two sides in meetings to be held on mutually agreed dates, before mid 1999, with a view to reaching bilateral agreements.

Done at Lahore on 21st February 1999 in the presence of Prime Minister of India, Mr. Atal Behari Vajpayee, and Prime Minister of Pakistan, Mr. Muhammad Nawaz Sharif.

(K. Raghunath)

Foreign Secretary of the Republic of India

(Shamshad Ahmad)

Foreign Secretary of the Islamic Republic of Pakistan

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