



Indo-Pakistani Conflict and Development of South Asia: Is an Independent Kashmir State a Possible Consideration?

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A thesis submitted in fulfillment of the requirements for the
DEGREE OF DOCTOR OF PHILOSOPHY
(Development Studies) Faculty of Arts at the
University of Zululand, South Africa

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April 2018

DECLARATION

I, Raquel Abimbola ADEKOYE (with Student Number: 201545512) solemnly declare that

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- (ii) This thesis has not been submitted for any degree or examination at any other university.
- (iii) The thesis does not contain other person's data, pictures, graphs or other information, unless specifically acknowledged as being sourced from other persons.
- (iv) This thesis builds ideas from the candidate's master's dissertation concluded in 2014 – to build the literature review sections.
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ABSTRACT

The thesis explores the conflict between India and Pakistan over Kashmir as a dispute symbol. It highlights the socio-economic implications of the conflict on the conflicting states of India and Pakistan. The conflicting symbol, Kashmir, as well as the entire South Asia that house all of them, with a view to suggest a lasting solution which it gives as, the creation of an independent Kashmir State.

It is argued here that domestic politics in both India and Pakistan complicates the Kashmiri issue. In Pakistan, it has enabled the military to assume a dominant and pre-eminent position in politics. In India, a penchant for coalition government creates an immobility that is felt on the Kashmir crisis. In general, there is an on-going, serious and intense arms race between India and Pakistan that has increasingly led to a diversion of resources to investment in nuclear technology by both countries.

Holding on to Kashmir has made India vulnerable to terrorist attacks, with the consequences of not only diverting developmental resources to enhancing security, but also exacerbating conflict with Pakistan. Economic relations between the main antagonists have remained marginal since the partition. Initiatives such as cooperation in water resource management between the two countries, and proposed joint development of oil and gas pipelines have failed to materialize. This led to the conclusion that both countries have allowed their economic relations with potential for huge benefits to be held hostage to the Kashmir crisis.

In terms of the level of economic development, India holds big advantage. This advantage is harnessed into a superior conventional military capability which has also enabled India to rule out first strike as its nuclear doctrine. However, the disadvantageous position of Pakistan makes it view nuclear weapons as the equalizer, and the possibility of a first use is not ruled out.

As a possible negotiated solution to the Kashmir conflict, it is argued here 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. It also argues that the Independence of Kashmir is the only guarantee of a lasting solution to the Kashmir conflict and South East Asia development crisis.

The theories of Neo-Realism and Neo-Liberalism are central in this thesis to explain outcomes towards peace initiatives between India and Pakistan, and the implications for South Asia. Three specific concepts advanced by neo-realists and neo-liberal theorists are chosen to explore and explain the three principles of this study: The Balance of Power, Security and Economic Co-operation.

Kashmir's embroidery of encounters from forces of brutality, state repression particularly on the Indian occupied territories, massive militarization, stunted infrastructural and socio-economic development, insecurity to gross human rights violations leaves impacts so grave for social structures needed for *modernity* and sense of decent livelihood.

Methodologically, the thesis provides a conceptual definition of the right to self-determination particularly from the United Nations perspective. It then applies the United Nations declared right of self-determination to Kashmir. This is achieved by outlining United Nations action on Kashmiri self-determination and then by applying the components of the right to Kashmir. The thesis concludes with some observations regarding resolving the Kashmir crisis. The central of this is the inevitable position that the realization of the right to self-determination will bring to fore in realizing peace and development for the region as a whole and to the parties involved in the crisis.

ACKNOWLEDGEMENTS

I will like to extend my sincere appreciation to my supervisor Dr Cotties T. Adetiba, whose support and comments, help in guiding me to the successful completion of this dissertation. He provided me with a convenient space to express my thoughts and imagination in the development of this write-up. I will also like to thank Mrs Kehinde Adekoye, the best mom ever, my sister, Shade Andrea Adekoye, and my brothers, Giovanni and Gbenga. I also extend my appreciation to my wonderful in-laws – Michael, Houston, Ernest, Chris, Oj, Alex, Conscience, Kike, Tayo, Deola, Olayide and others. You are all the inspiration I need.

I must reserve my best appreciation to my children – LeRoy, Layla and Marvelous for enduring my many absences during the course of this thesis writing. To my superman, my engine room whom God has divinely placed in my life to make life easier for me – what would I do without you and your unconditional love? I bless the day I found you, my heart – Dr Legend Ehi-Timi Asuelime.

A last but first thought of gratitude goes to the maker of heaven and earth - Jesus. I bless you for your strength, wisdom and infinite mercies once again.

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
USA	United States of America
WOT	War on Terrorism

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CHAPTER ONE

INTRODUCTION

1.1 BACKGROUND OF THE STUDY

Almost immediately after the partition of British India into the two nations of Pakistan and India in 1947, over 17 million migrated from their previous homes to either Pakistan or India. Due to a large exchange of populations between these two states, (Ganguly and Kapur 2010: 9) “violence soon broke out with Muslims on one side and Sikhs and Hindus on the other. The resulting bloodshed in the Punjab and West Bengal regions left more than one million people dead in its wake” (Mukherjee 2009). While the different nationalities were conducting open violence, their governments were more concerned with dividing the assets of British India between themselves (Mukherjee 2009).

“The British had left behind, besides about half of the subcontinent that it directly governed, some 562 independent or ‘princely’ states. The provision was that each state could remain independent, join Pakistan or accede to India. A violent competition soon resulted as the two new nations sought to win to their own nations the largest and most strategically located states, such as Hyderabad and Kashmir. Because Kashmir was more than 70% Muslim, Pakistan insisted that a vote be taken in the state. However, India argued, since the Maharaja of Kashmir was Hindu, he had right to take the state into India. Even as independence was being celebrated, India and Pakistan began a covert war in Kashmir and the struggle for that state still goes on today. In 1947, 1965 and 1971 India and Pakistan fought wars that did not change the status of Kashmir, but did result in the

1971 further partition of West and East Pakistan into the two nations of Pakistan and Bangladesh” (Tremblay 2009).

India and Pakistan thus traditionally view each other as enemies. Owing to the lack of trust, both countries take various measures to safeguard 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 subterfuges in order to weaken each other. Finally, they even compete in a third country, Afghanistan, to maximize their interests (Mukherjee 2009). Following the terrorist attack¹ in Mumbai, the commercial hub of India, on 26 November 2008, India suspended the composite dialogue taking place between both countries with the goal of finding a solution to the Kashmir conflict and the normalization of relations between the two countries (Zardari, 2011). This has raised 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.

The principal objective of this study is to take a novel look at investigating the possibility of the creation of a Kashmir independent state as panacea for the many and age long conflict.

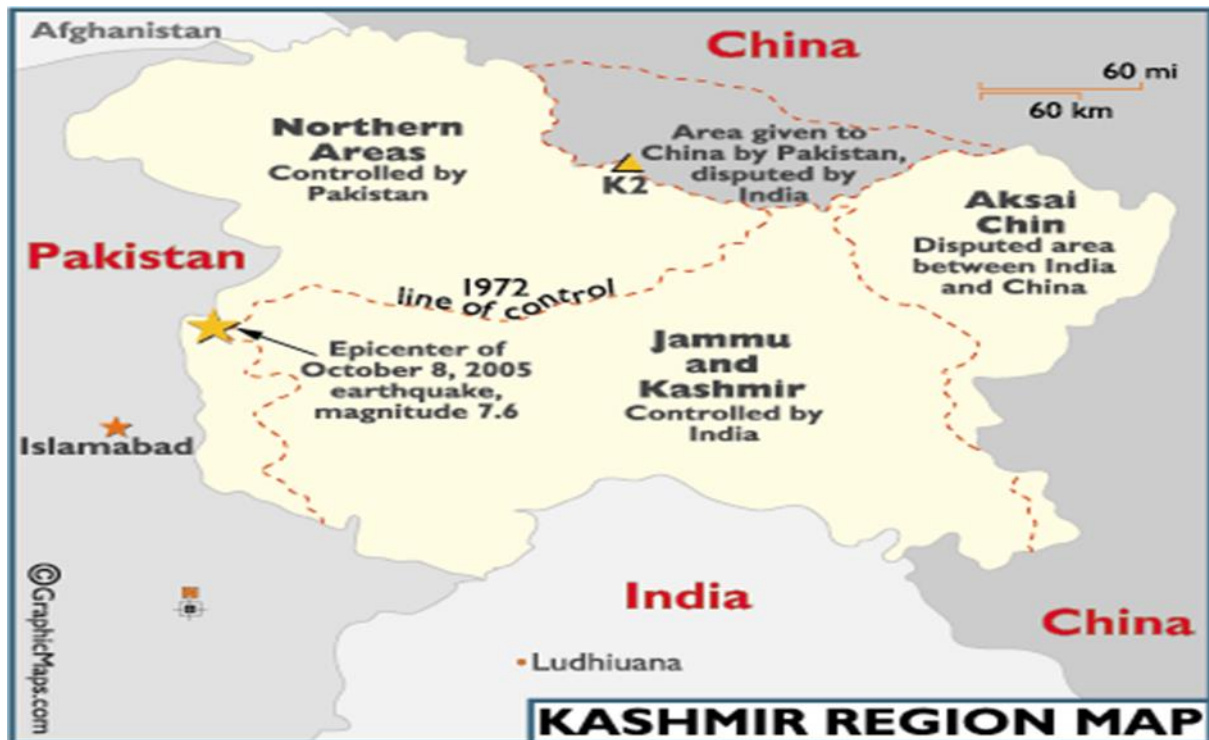
¹“The 2008 Mumbai attacks where twelve coordinated shooting and bombing attacks lasting four days across Mumbai” (Friedman, 2009; Sify News 2009), “carried out by Pakistani members of Lashkar-e-Taiba, an Islamist terrorist group based in Pakistan” (Schifrin, 2009). “Ajmal Kasab, the only attacker who 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).

Other sub objectives here are to explain contemporary relationship between India and Pakistan in the context of the Kashmir conflict and its security and development impacts on the South Asian region. The study examines military-security, nuclear proliferation, political development and economic impacts of the conflict in the bilateral relationship of India and Pakistan. It analyses also how to normalize the relationship in the wake of the Mumbai attack with particular reference to the creation of a Kashmiri state. In total, it gives a deep insight into contemporary Indo-Pak relations against the backdrop of the Kashmir conflict. In short, it adds to a growing body of literature on the Kashmir conflict by narrowing a knowledge gap in the discourse. The study's novelty is in the fact that it for the first time assess the possible negotiated solution to the Kashmir conflict, through enhancing chances for Kashmiri nationalistic interests against the backdrop of the UN entrenched rights to self-determination framework.

1.2 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).

Figure 1.1 Map showing Kashmir and the Line of Control (LoC)



Cited at Awosemo, A. 2016. Kashmir: The Only Way Forward. *Africa Integration Movement*. Available at <http://aimoutreach.weebly.com/blog/kashmir-the-way-forward> [Assessed 20 August 2016]

Historically, Kashmir witnessed many foreign 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” (Adekoye 2013), 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 (Adekoye 2013). 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” (Adekoye 2013). 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” (Adekoye 2013). 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%” (Adekoye 2013). 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” (Adekoye 2013). 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” (Adekoye 2013). 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” (Adekoye 2013). 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)” (Adekoye 2013), 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” (Adekoye 2013). 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

therefore claims that Kashmir is an integral part of India” (Adekoye 2013) 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 “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” (Adekoye 2013). Further, Kashmir has emotional links with India since “it is the ancestral land of Nehru and his daughter,

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 of 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.

Indra. 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 Therefore, India views it as an indispensable geographical, political and economic entity for its security concerns” (Das 2001: 34).

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 Pakistan³....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” (Das 2001: 57). 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” (Adekoye 2013). 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 into the most militarised region in the world.

It is important to state also that the conflict also impacts on the socio-economic development of Kashmir, and to a certain degree India and Pakistan. On this Malik (2015) has this to say:

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.

“Kashmir today has become a testimony to an entirety of encounters ranging from brutal state repression to massive militarization, from lack of security to loss of dignity along with the gross human rights violations eventually culminating into a sense of loss in the meaning of life. If the political conflict has such impact on the social structure of the place, then equally absorbing is to know what has happened to the potential for economic development over the decades consumed by conflict”.

This is in fact worrisome considering the fact that the region has huge deplorable human development Indicators in South Asia as a whole and which the current Kashmir conflict only makes worse.

Asia has over 4.4 billion people which is approximately one quarter of the overall living humans in the world today. World Bank’s estimates in 2012 states that about 649.6 million people in this region live on less than \$1.25 a day and this same people make up 46% of the developing world’s poor (Dasvarma 2016; World Bank 2012).

“This rampant poverty is in spite of the fact that there has been substantial economic growth in South Asian countries for the last two decades. Illiteracy, hunger, diseases and natural catastrophes have been wide-spread in this region, which are sufficient to make the lives of the people hell on the earth, let alone wars, proxy wars, sabotages and unabated violence, which are fast converting this region to a non-livable habitat (Manzoor and Muqeem, n.d).

1.3 PROBLEM STATEMENT

The Kashmir dispute “is one of the most intractable international conflicts” (Adekoye 2013) 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 (Adekoye 2013), 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 has 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 in which developmental strides are halted. It seems as if there is no end to this conflict as different approaches and recommendations to ameliorating the effects of the problem seem to fall short of validity one way or another, impacting negatively on security and development for Kashmir in particular, India and Pakistan to a certain degree, and by extension South East Asia. To this end, the current study therefore seeks to investigate the extent to which the creation of a Kashmiri independent state altogether can provide solution for the Indo-Pakistani security and development crisis.

1.4 RESEARCH QUESTIONS

The principal *question* to guide this study is: To what extent can the creation of a Kashmiri Independent state provide solution for the Indo – Pakistani security and Development crisis? To answer the above research question, the following needs to be determined:

- Why is the historic animosity between the two countries deprived of a peaceful negotiated solution?
- Would the security strategies and self-help measures (particularly nuclear armsament) 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?
- How has this Kashmir conflict delimited the areas of socio-economic development and to some extent Pakistan and India?

1.5 AIM OF THE STUDY

The principal aim of this research is: To explore how the creation of an Independent Kashmiri state can bring about negotiated settlement in South Asian Security and Development crisis vis-à-vis India and Pakistan. The Objectives of the study are:

- To examine why the historic animosity between both countries have defied peaceful negotiated solutions
- To analyze whether enhanced regional economic integration would narrow the scope of the Kashmir conflict and improve the bilateral relations.
- To examine the possibility of security (nuclear) confrontation between India and Pakistan in the South Asia region
- To examine the impact of the conflict on the economic development of Kashmir, and to some extent Pakistan and India.

1.6 SIGNIFICANCE OF THE STUDY

Indeed, there appears to be 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. What is missing is none has argued the case for and problem associated with establishment of the Kashmir State. Majority of these works subtly advancing either pro-Indian or pro-Pakistani standpoints with carefully-crafted words (Adekoye 2013). The field is in need of fresh analysis to inform debates and deepen the understanding of how to find a lasting solution to Kashmir conflict - the independence of Kashmir would be a pedestal to solving the security and development crisis in the region. In order to fill this knowledge gap, this research specifically focuses on two fold areas; First, it focuses on how the Kashmir conflict affects the bilateral relations between both countries and how this impact on the security and development environment in South Asia. Second, it espouses the legalistic and humanitarian need for the creation of a Country, “Kashmire” as buffer and solution to the perennial conflict. In this respect, this study is unique. Most importantly, no study so far has gone to the extreme of suggesting a lasting solution as this

study – in terms of developing frameworks for the creation of independent Kashmiri state, except this proposed doctoral study.

In general, the study contributes to knowledge in other regions of the world particularly in Africa in a hypothetical sense of the matter. Since Political science study cleavages and fault lines in any given political system and arrangement, it becomes expedient to note that in emerging countries of Africa for instance where there seems to be lots of fault lines and cleavages along ethnic and racial overtones. Should there be a crisis situation therein as currently seen in Kashmir, the form of solution proposed in this thesis may apply before it degenerates to large scale conflicts or even war among the many social groupings in African interstate relation as well as other subregions.

1.7 RESEARCH METHODOLOGY

1.7.1 Overview of Methodology

This study draws on both primary and secondary sources. In terms of primary documents 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 were also used. It also draws upon selected newspaper articles about the conflict. In terms of secondary sources, the study examines journal articles, published papers, books and book chapters and online sources? I employ the tool of content analysis (Mayring 2000)⁴ to examine

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). Content analysis is a research technique used to make replicable and valid inferences by interpreting and coding textual material. By systematically evaluating texts (e.g., documents, oral communication, and graphics), qualitative data can be converted into quantitative data. In simpler terms, content analysis is a broad general method for analysing the content of some qualitative material to build or support an argument. Its goal is to identify aspects of the content, present them clearly and effectively, in support of some argument that will persuade the reader and contribute to the field. The material exists in some form already as a cultural production with meaning that is accessible for analysis of text materials of any scale. The materials

these relevant primary and secondary, scholarly and non-scholarly documents. By analysing this available data, the study suggests an appropriate solution to the protracted Kashmir conflict in accordance with the changing contextual conditions on the ground. The study uses the above data to recommend ways of normalising bilateral relations between India and Pakistan.

This study is grounded on the assumption that the Kashmir issue represents a threat to the security and development 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 USA, the UN 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 and development in the South Asian region and the creation of an Independent Kashmiri state as a panacea to the crisis. Qualitative data from journal articles, books 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. This study also adopts as a method of seeking to identify nationalistic voices on the Kashmiri point of the equation to determine yearnings of

start out qualitative, the analysis starts out qualitative, it can remain primarily qualitative as it identifies themes and patterns as well as describe situations.

nationalistic tendencies as a basis from which the UN rights to self-determination charter may be applied.

1.7.2 Method

This study provides a qualitative analysis⁵ using the constructivist philosophy. Different perspectives may be used to understand inter-state and intra state relations. To situate the current study within a broader epistemological framework, the study adopts a constructivist methodological approach. “Constructivism claims that significant aspects of international relations discourse are historically and socially contingent, rather than inevitable consequences of human nature or other essential characteristics of world politics” (Adekoye 2013). Constructivism accepts reality as a construct of human mind, therefore reality is perceived to be subjective. Moreover, this philosophical approach is closely associated with pragmatism and relativism. Constructivism maintains that knowledge is constructed by researchers and it opposes the idea that there is a single methodology to generate knowledge. The table below illustrates or encapsulate constructivism.

Table 1.1: Constructivism Description

Philosophy	Constructivism
Type of research	Qualitative
Methods	Open-ended questions, emerging approaches, text and/or image data
Research practices	Positions researcher within the context Collects participant-generate meanings Focuses on a single concept or phenomenon Brings personal values into the study Studies the context or setting of participants Validates the accuracy of findings Interprets the data Creates an agenda for change or reform Involves researcher in collaborating with participants

⁵ For discussion of a qualitative analysis, see Creswell, 2009; Filstead, 1970; Van Maanen, 1983; Silverman, 1985; and Miles and Huberman 1984.

Source: Andrew et. al. (2011)

Theoretically, the thesis focus on “how ideas define the international structure, how this structure defines the interests and identities of states and how states and non-state actors reproduce this structure. The key tenet of constructivism in international relations is the belief that international politics is shaped by persuasive ideas, collective values, culture, and social identities” (Alder 1997). This assumption in knowledge explanation leads to a qualitative approach employing and in sync with the method of content analysis.

1.7.3 Data Sources

The “bulk of the data and materials to be utilized in this study will be derived from a careful examination of various sources including official statements and documents, newspapers, books, and articles in scholarly journals pertaining to the issues concerned” (Adekoye 2013). In particular, “detailed descriptions of certain national experiences by various specialists will be cautiously used to compare and evaluate each nation's (India, Pakistan, Kashmiri) posture” (Adekoye 2013) to the socio-political quagmire plaguing the South East Asia, and the role of foreign state agents in the region

The study will adopt an empirical approach to analyze the text data gathered, by gaining access to relevant primary documents obtained from multiple international archives, in particular Pakistan and India, thereby ensuring the objectivity of the research findings.

1.8 LIMITATION OF STUDY

Despite its comprehensiveness, this study has several limitations. First, Kashmir remains a politically volatile part of the world and the situation on the ground can change quickly. 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. The researcher intends to mitigate against this deficiency through the analysis of primary documents obtainable from credible sources. Apart from the fact that the study gives a deep insight into the bilateral relations of India and Pakistan in the context of the Kashmir conflict. It prescribes an appropriate solution to the conflict in accordance with the changing contextual conditions on the ground. It also recommends ways of normalising the bilateral relations between both countries and South Asia in general. Above all, it adds to a growing body of literature fulfilling the knowledge gap in the field of discourse as earlier stated.

1.9 CHAPTERIZATION

Chapter One – Introduction

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

Chapter Two – Literature Review and Theoretical Framework

In chapter two, which comprises a literature review and theoretical framework, I reviewed 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.

Chapter Three – A Review of India-Pakistani Peace Process

In chapter three, I examine the different phases of the peace process, initiated and driven at different times, and by different platforms. The different peace processes initiated without particular order to include: The United Nations-led phase; the Individual States-led phase; the period of inactive phase; the era insurgency; and finally the phase of convergence. I also discussed briefly the suggestions by some researchers and public policy analysts on how to resolve the conflict that appears to have been ignored or failed.

Chapter Four - A Historical Analysis of India and Pakistan ‘Emerging Powers’ and Nuclear Proliferation

In chapter four, I introduce the many self-help frontals adopted by India and Pakistan against each other and how this leads to nuclear proliferation by both countries. This inturn changed the security and development landscape in South East Asia. 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; the support of insurgencies, terrorism and counter terrorism for and against each other

Chapter Five – The Kashmir Conflict and its Impact on Development

Chapter five investigates the impact of the conflict on the development of the Kashmir area as well as that of South East Asia. The chapter takes a cursory look at the problem through thematic references to the following: The Economic and Other Costs; The Symbiosis of Peace and Development in Kashmir; The Impact of the Armed Conflict on Tourism; The Economic

Cost of Conflict between India and Pakistan; and a treatise on how Conflict Retards Development

Chapter Six – A Case For Creation of Kashmir(Yat)⁶ State

Chapter six is focused on the dynamics of the Kashmiri nationhood and the intricacies of the formation of statehood. The chapter takes a swipe at the existence of Kashmiri nationalism; the Kashmiriyat suppression by India and Integration with Pan-Indianism. The chapter will situate the UN rights to self-determination as a plausible cause in which the Kashmiri people may rally. It also provides different pretext to argument that the creation of an independent state of Kashmiri is a panacea for the Indo-Pakistani conflict. The chapter achieved this by begging the question about the reasons for the failed peace processes. By this, 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.

Chapter Seven – Conclusion & Recommendation

In the final chapter, the conclusion provides 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 from a security and development perspective.

⁶*Kashmiriyat* - The feeling of being Kashmiri

CHAPTER TWO

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1 A REVIEW OF THE LITERATURE

Indeed, there is a plethora of works by scholars that focus on the Kashmir conflict right from 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”. 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) are all relevant for the current work. The works by these researchers, however have their shortcomings as they focus fairly narrowly 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 Kashmir⁷; second, independence for part or all of the state; third, autonomy; and fourth, partition".

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"⁸ 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 example, Garver (2004) elucidates "six distinct Chinese policies that impinge on the Kashmir issue." In

⁷ 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.

⁸ The Simla Accord/Agreement (or Shimla Agreement) is an "agreement between the Government of India and the Government of Pakistan on Bilateral Relations" (Adekoye 2013). It was signed "on July 2, 1972 in Simla, the capital city of India state of Himachal Pradesh. It followed from the war between the two nations in 1971 that also led to the independence of Bangladesh, which was earlier known as East Pakistan" (Adekoye 2013). See also the Ministry of External Affairs, Government of India "Simla Agreement" Bilateral/Multilateral Documents. Accessed 29 October 2014

his policy elaboration, he accuses China of using “Kashmir to achieve diplomatic leverage with both New Delhi and Washington”.

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.⁹ Moreover, he advises India to adopt an engagement strategy to serve its interests better, rather than a hedging strategy¹⁰ 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. 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

⁹ 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.

¹⁰ Hedging is a strategy that looks to supporting/strengthening opposing elements with 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” (Adekoye 2013) and Presidential Aspirant of the Democratic party 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” (Adekoye 2013). “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).

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” (Adekoye 2013). 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” (Adekoye 2013) 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.

Tavares (2008) “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” (Adekoye 2013). 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” (Adekoye 2013), as well as regional security more broadly. Despite this not been 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” (Adekoye 2013) 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). There was also a level of consistency confirmed by Krepon (2013) 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) and Khan (2013) is the economic dimension” (Adekoye 2013).

Khan (2013) also identified that South Asia have witnessed promising commercial negotiations between India and Pakistan. This reveals an important fact pointed out by Habibullah (2004) 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” (Adekoye 2013). The point being emphasized 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’” (Adekoye 2013). 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) believe that economic deprivation experienced by the Kashmiris has no apparent influence on the Kashmir issue” (Adekoye 2013). 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) maintained that Kashmir is a region of great geo-strategic importance for economic and political security” (Adekoye 2013). James and Ozdamar (2008:462) observed that the “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”.

Yet, “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” (Adekoye 2013).

“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 can be interpreted to mean

“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 lead 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” (Adekoye 2013)

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) 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) 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”. 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) stressed further 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. 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).

A direction of note is the fact that there seems to be constancy and consistency also seen by Vaish (2011) 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 underneath layer of the faultlines and crisis between India and Pakistan show more characteristics that can well be associated with identity crisis amongst them and reflected in Islam versus Hinduism as well as with other sentiments regarding land distribution and redistribution in the contested area of Kashmir (Vaish, 2011). The import of “ethnicity and its ability in shaping ideological commitments of the leadership of India and Pakistan is noteworthy. The point worth noting concerns the power of ethnicity to provide individuals with

some sense of belonging within society” Dasgupta (2012). However, much of the work reviewed by the authors mentioned herein seems not to have related the Kashmir issue with the hypothesis of clash of civilizations by Samuel P. Huntington (Hindu versus Islamic civilization) as this study fits into the narrative from a religious point of view albeit fairly narrowly threaded in this thesis in the sixth chapter.

In addition, Dasgupta (2012:87) suggests that “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”. Perhaps this is so because He believes that “the rate of female-headed households increases during conflicts and places them under conditions where they feel vulnerable to violence” (Adekoye 2013). 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” (Adekoye 2013).

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.

Competition in Afghanistan - India and Pakistan extends their competition beyond their own geographical space and into third states, such as Afghanistan, to maximise their interests

(Mukherjee 2009; Pavri 2009). 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).

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)” (Adekoye 2013). 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 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, but “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 (Adekoye 2013).

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 a dearth of literature, however, being documented on how the Kashmir Conflict has been impacting on Indian-Pakistan relations and its import for development, 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” (Adekoye 2013). 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.

2.2 THEORETICAL FRAMEWORK

The thesis principally employs constructivism as an overarching research principle and analytical tool to explain the various issues on the Kashmir quagmire defined here using the

neo-realist and neo-liberal theories in the narrow sense. It is the assimilation of both behaviorialist and cognitive ideals. The “constructivist ... is a process of constructing meaning; it is how people make sense of their experience” (Merriam & Caffarella 1999). Constructivism is a synthesis of multiple theories diffused into one form. “Neo-Realism” and “Neo-Liberalism” theories diffused into a constructivist outlook to conceptualize 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” (Adekoye 2013).

The use of constructivism in this thesis is more of an approach or tool that encompasses sub theories of neo-liberalism and neo-realism and subtly the conflict theory. These theories are constructively used in the thesis throughout. While Constructivism can be a stand-alone theory on its own, Constructivists generally adapt and interpret issues with other endogenous theories to explain phenomena. Constructivism and the dual theories of neo-liberalism and neo-realism are not mutually exclusive. Rather the latter two are also endogenously Constructivist. 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).

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” (Adekoye 2013).

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” (Adekoye 2013). 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 societies¹¹ of India and Pakistan. Moreover, neo-liberals believe that institutions and regimes

¹¹ Civil society has been defined in various ways, both in broad and narrow terms. Commonly, civil society, also referred to as the third sector, is believed to comprise “social groups and institutions located outside of government and not working purely for profit in the private sector; political groups; NGOs and community and neighbourhood organizations; and other groups, which advance public interest” (Ahmad, 2008: 16). Saras Jagwanth’s civil society includes all organisations and associations outside of the state including NGOs, cultural, political, social and religious groupings both formal and informal, as well as labour unions (Jagwanth, 2003: 7). Setting the civil society distinctly apart from both the market and the state, Habib (2005) define civil society as the “organized expression of various interests and values operating in the triangular space between the family, state, and the market”. Their justification is based on Jean Cohen's and Andrew Arato's emphasis on the normative and open-ended outlook of civil society as opposed the instrumental and strategic outlook of political and economic actors. Habib’s definition is endorsed as a working definition for this study in view of this distinction. Civil society is distinguished from “both a political society of parties, political organizations, and political publics (in particular, parliaments) and an economy society composed of organizations of production and distribution, usually firms cooperatives, (and) partnerships (Cohen and Arato, 1992: ix). Essential to these definitions is the independence of state that characterises civil society; and which is sometimes an essential determining factor of the effectiveness of CSOs.

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 theories within a constructivist approach 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 also 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” (Adekoye 2013). Therefore, these conceptualizations

provide a workable frame by which one can pinpoint how the persisting Kashmiri conflict affects the bilateral relationship of India and Pakistan.

Third, looking at the concept of economic co-operation, the study adopts 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" (Adekoye 2013).

All theories with relevance for the study fall within the frame of constructivism. Constructivism, as analytical tools for explain 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 complementarities with liberal ideas and their consistency with the dimensions explaining the Kashmir issue. Mallon (2007) 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) 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) as cited in Finnemore and Sikkink (2001) states 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 utilizes 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 behavior. 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 theorize about what sort of things they are, their representations may affect their circumstances and dispositions in ways mediated by their own theorizing". This can be seen as the epistemological part of the constructivist paradigm.

A “philosophical discussion of construction distinguishes two foci of constructionist work: one centered on our ways of thinking about, representing or modelling the world and the second centered on parts of the world itself, construction of “ideas” and “objects” (Mallon, 2007:95). To illustrate this point, the dimension of identity politics is identified 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 emphasizes 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.

A guiding principle for this study is the 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; Cunningham 1998). Any attempt to resolve the Kashmir conflict between India and Pakistan needs to consider conflict resolution as one approach among those available. Specifically, the study rests on conflict theory wherein actors, their goals (values, interests) imputed to them by analysis of their interests and studies of their behaviour to uncover what they seem to pursue, and on interview methods to get verbal declarations about value-orientations and other attitudes. The more detailed knowledge about all these factors or aspects of a conflict, the more can be said about the conflict dynamics and possible resolution. According to Burton (1991) and 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 and constructivist in approach, 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 theory 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".

2.3 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, even so for mitigating against the derailing socio-economic and development conditions. Thus both India and Pakistan are resolved to seek self-help measures which has not helped Kashmir security and development.

CHAPTER THREE

A REVIEW OF INDIA-PAKISTANI PEACE PROCESS

3.1 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 United Nations led phase between 1947 and 1961; then the State led phase between 1962 and 1964; the inactive phase of 1965 to 1988; the insurgency phase between 1989 to 2002; and finally the phases of convergences starting from 2003 till date (Indurthy 2005; Yusuf & Najam 2009). These phases here demarcated and illustrated represents distinct era of bilateral relations between India and Pakistan. Also, 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.

In this chapter, I explore first as contextual effort towards gaining power to gain security through various strategic partnership by India and Pakistan. These efforts only compounded the issues. I then explore other peace process phases, including their major landmarks 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.

3.2 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). 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 1960s and 1970s, and then to an increasingly neutral position” ever since Deng Xiaoping assumed power in 1978 (Garver 2004). 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” (Adekoye 2013).

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.

3.3 THE UN-LED PHASE

Having occupied "two-thirds of the Princely State" (Adekoye 2013), 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" (Adekoye 2013).

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 a

“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 was not going to rest over the issue unresolved. 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 Valley¹² 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” (Adekoye 2013) 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

¹² The Valley in this instance refers to the territories in Kashmir under contention between India and Pakistan

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 Pact¹³ and the South East Asia Treaty Organisation (SEATO)¹⁴ 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 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 Assembly¹⁵ to ratify Kashmir’s instrument of accession to India in 1954” (Adekoye 2013). 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” (Adekoye 2013). 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.

¹³ 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.

¹⁴South 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

¹⁵“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” (Adekoye 2013).

At this juncture, the UN Security Council finally appointed Gunnar Jarring of Sweden¹⁶ to break the deadlock. He submitted a pessimistic report to the Council pointing out that “changing political, economic, and strategic factors surrounding 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.

3.4 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” (Adekoye 2013) 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

¹⁶“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” (Adekoye 2013). See also Mørk, 2007 and Singh, 2011.

(Kashmir) and the North-East Frontier Agency region” (Adekoye 2013). 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” (Adekoye 2013). 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” (Adekoye 2013). 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.

3.5 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” (Adekoye 2013). In terms of the declaration, both withdrew their military forces to the pre-war ceasefire line (Tashkent Declaration, 1966).¹⁷ 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

¹⁷ See also Appendix 5 for the 1966 Tashkent Declaration Document.

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*,¹⁸ “the ceasefire line in Kashmir was converted into a formal line of actual control” (Mohan 1992). 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). 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

¹⁸“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)

Conference¹⁹ in Kashmir, and characterizing the Kashmir nationalist leaders as ‘anti-national’ - Indira Gandhi alienated Kashmiri Muslims from India” (Adekoye 2013).

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 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” (Adekoye 2013).

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

¹⁹ The National Conference in Kashmir is a mini Political Assembly.

Indian Kashmir rapidly deteriorated from the mid-1980s culminating in a 1989 uprising of Kashmir Muslims against Indian rule” (Adekoye 2013).

3.6 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” (Adekoye 2013), 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.

3.7 THE CONVERGENCE PHASE

The paradigm shifts 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” (Adekoye 2013). 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” (Adekoye 2013), 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 liberalize 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” (Adekoye 2013) 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 Declaration²⁰ 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

²⁰ The Lahore Declaration signed February 21, 1999, is a bilateral agreement and governance treaty between India and Pakistan. See Appendix 6

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 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 war²¹, India demanded Pakistan to “accept the inviolability of the LoC” (Adekoye 2013), 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

²¹“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 airforce recaptured a majority of the positions on the Indian side of the LoC. Furthermore, with International diplomatic opposition, the remaining Pakistani forces withdrew” (Adekoye 2013).

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). After the 9/11 attacks on the World Trade Center in 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” (Adekoye 2013), 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” (Adekoye 2013) 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” (Adekoye 2013). 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” (Adekoye 2013). On the other, numerous rounds of peace talks, backed up by the back-channel diplomacy²² 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 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

²² Back-channel diplomacy comprises unofficial and side negotiations on ongoing discussions.

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” (Adekoye 2013) 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” (Adekoye 2013). The Mumbai attack pushed both countries to the brink of another war (Colman 2009; Mukherjee 2009).

The shuttle diplomacy²³ 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 neighbor” (Indurthy & Haque 2010: 31). Moreover, India tied the resumption of the “Composite Dialogue with Pakistan to its prosecution of all those involved in the attacks” (Adekoye 2013). 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). Above all, India accused the Inter-

²³ 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” (Adekoye 2013).

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. One of the consequences of these failed phases to peace is the implication it portends for nuclear security in the region

3.8 NUCLEAR SECURITY

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). 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 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)²⁴ 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 South Asian giants further worsened the tension between them.

²⁴ 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)

Using arguments presented by the doctrine of nuclear deterrence I argue that the possibility of a nuclear war between India and Pakistan remains open. I 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’²⁵ 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 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

²⁵ 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.

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’²⁶, 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

²⁶ 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.

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 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 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 deadliest 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 terror²⁷. 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.

3.9 RESOLVING THE CONFLICT?

Vaish (2011) 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

²⁷ 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).

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).

The inability of “both India and Pakistan to settle the Kashmir issue and the tense relations between them” (Adekoye 2013) 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 neorealists’ understanding the world continues to lack a central government and as such some states chooses not to obey international laws. Nicholson (2002) 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) that the “involvement of a neutral third party might help resolve the Kashmir issue and the conflict between India and Pakistan” (Adekoye 2013). According to Ganguly and Wagner (2010)

“...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) 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” (Adekoye 2013). 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.

3.10 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" (Adekoye 2013), 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), within the conflict resolution framework might aid a transition to a viable solution in the conflict “between India and Pakistan over Kashmir” (Adekoye 2013). 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).

However, all these efforts may not come to a peaceful resolution of the dispute while short range tactical nuclear weapons are being developed by the governments of India and Pakistan, supported by external agencies in the developed western states. This development in nuclear capabilities makes an even more compelling case for the creation of an independent Kashmiri state to serve as a buffer state between the two countries. In the meantime, none of the two rivals bordering Kashmir is willing to discontinue proliferating nuclear arsenals in the area. The rationale for and processes for this will therefore be of importance and shall now be the subject of the next chapter.

CHAPTER FOUR

A HISTORICAL ANALYSIS OF INDIA AND PAKISTAN NUCLEAR PROLIFERATION

4. 1. 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 nuclear arms race in the region” (Adekoye 2013).

Both India and Pakistan continue to build 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 powers²⁸ and Russia back their strategic partner, India, China supports its strategic partner, Pakistan. 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 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” (Adekoye 2013).

Thus the chapter presents case studies of two South East states known or believed to have nuclear weapons but which have not openly declared their status: India and Pakistan (Siddiqi 1995; Pervez 2002).²⁹ The following section examines these covert nuclear states that are not officially recognized or allowed to possess nuclear weapons.³⁰ These cases are also analyzed on the basis of both a review of the literature and an analysis of the historical experiences of the emerging nuclear powers. It is therefore important to undertake a thorough analysis of the nuclear proliferation drivers of other states in the same category. These states are examined in

²⁸ 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.

²⁹ However, India and Pakistan's nuclear activity became obvious after their respective tests in 1998

³⁰ Nuclear proliferation refers to the spread of nuclear weapons, fissile material, and weapons-applicable nuclear technology and information to nations not recognized as 'Nuclear Weapon States' by the Treaty on the Nonproliferation of Nuclear Weapons, also known as the Nuclear Nonproliferation Treaty or NPT. These states are not allowed to possess nuclear weapons.

order to establish trends applicable to the Global South with which the South African case can be compared, contrasted, contextualized and situated.

The principal questions that this chapter seeks to answer are: what is the level of technological capability and the motivation for these states developing nuclear weapons? What are the incentives and disincentives for acquiring nuclear weapons?

4. 2. CASE STUDY OF INDIA

4. 2. 1. Technological Capabilities and Constraints

Nuclear research in India began in 1945, two years before the country's independence from Britain, when the Tata Institute of Fundamental Research was founded at Bangalore under the dynamic leadership of Dr Homi Bhabha (Paranjpe 1987). Three years later an Atomic Energy Commission (AEC) under the direct supervision of Prime Minister Jawaharlal Nehru was established. In 1952, Nehru announced a four-year program to build an Indian research reactor. In 1954, the Department of Atomic Energy (DAE) in the Ministry of Natural Resources and Scientific Research (MNRSR) replaced the AEC (Department of Atomic Energy 1955).

In the early years, India's nuclear program revolved around two important principles: 'promotion of research and development for harnessing atomic energy for peaceful purposes and attainment of self-sufficiency in the nuclear programme' (Paranjpe 1987: 17). Nehru had publicly opposed the development of nuclear weapons, maintaining that 'development of atomic energy for peaceful purposes was far more useful to India' (Paranjpe 1987). Dr Bhabha, the first chairman of the AEC, also believed that 'for the full industrialization of undeveloped

countries and for the continuance of our civilization and its further development, atomic energy is not merely an aid, it is an absolute necessity' (Lefever 1979: 27-28). In pursuit of national independence, government leaders also emphasized self-sufficiency, or non-dependence on outside powers for nuclear matters.

The US 'Atoms for Peace' program in the early 1950s brought about radical changes in US nuclear policy (Asuelime 2013b). The 'Atoms for Peace' proposal encouraged the peaceful use of nuclear technology and resulted in the extensive spread of nuclear technology into Third World countries by the late 1950s (Asuelime and Francis 2014a). In accordance with this proposal, India regarded the development of nuclear science and technology as a means of economic progress as well as a promising road to eventual energy independence. In order to achieve self-sufficiency, India established a three-stage nuclear energy program: '(1) natural uranium fuel reactors, (2) a fast breeder reactor program, fueled with plutonium from the first phase, and (3) a thorium-uranium fuel cycle utilizing India's large reserves of thorium sands' (Snyder and Wells 1985: 61). This was aimed at replacing external sources of supply and training with indigenous skills (Goheen 1983).

The first stage of the Indian nuclear program began with thorium production at Trombay in 1955 (Beaton and Maddox 1962). India possessed large deposits of thorium, which was transformed into uranium-233, a nuclear fuel (Beaton and Maddox 1962). In 1956, the government decided to construct a large-scale uranium refinery facility so as not to have to rely on foreign supplies of uranium. The plant produced the first ingot of natural uranium in 1959 (Beaton and Maddox 1962). In 1961, it was producing 30 tons of uranium a year and was undergoing expansion to produce up to 100 tons (Beaton and Maddox 1962).

“The next stage of nuclear development was a plant to fabricate fuel elements for reactors. India’s progress in this area has been particularly striking since 1955. For her initial venture into the production of nuclear power, India required external sources of information, equipment, and materials. In order to diversify its sources of supply, India negotiated with Britain, France, Belgium, Canada, and the US for equipment and materials” (Asuelime 2013c).

Between 1955 and 1960, she began “the steady creation of a self-sufficient nuclear base with extensive Canadian and British cooperation” (Beaton and Maddox 1962: 136).

Three research reactors were built at Trombay. The first was known as APSARA; it was designed and constructed by Indians and used medium-enriched uranium supplied by Britain (Beaton and Maddox 1962; Paranjpe 1987). The second reactor, known as CIRUS (the Canada-India Reactor United States), was completed in 1960. This uses natural uranium with heavy water as a moderator; half the fuel elements for the reactor were initially provided by Canada (Paranjpe 1987). In order to supply the heavy water needs of the reactor, a small heavy water plant was completed at Nangal in 1962 with West German collaboration (Paranjpe 1987). The third Indian research reactor, ZERLINA, was entirely designed and built at Trombay in 1961, using natural uranium as fuel and heavy water as a moderator.

India devoted large resources to the development of nuclear technology. By the end of the 1950s, “an Indian nuclear programme had come to almost the take-off stage” (Paranjpe 1987: 19).

“As early as 1958, the Indians considered building chemical reprocessing facilities, and in 1961 they began to construct a pilot reprocessing plant, called Phoenix, at Trombay. It separated plutonium from CIRUS’ spent fuel. The construction of reprocessing facilities

is regarded as the most critical stage in developing nuclear weapons. Thus the building of a reprocessing facility was expected to provoke criticism from the US and other advanced countries. Nevertheless, India continued to develop the reprocessing facility, claiming that the plutonium plant was necessary to achieve self-sufficiency in its nuclear power program” (Asuelime and Adekoye 2016).

The official reason for building the reprocessing facility was as follows: “Plutonium is of great importance to India's atomic energy programme as, in a three-stage nuclear power programme envisaged; it will be used to breed Uranium 233 from thorium” (Beaton and Maddox 1962).³¹ By the “early 1960s, India had built a nearly self-sufficient nuclear infrastructure and accumulated a growing inventory of weapons-usable materials free of international commitments” (Asuelime 2013c).

The commitment to peaceful uses of nuclear energy was now translated into practice. India finally exploded a plutonium device underground in 1974 and has continued to pursue ambitious nuclear efforts, committing significant resources and training a large number of nuclear scientists and engineers.³² As a result, India has well-developed research institutions including:

“the Bhabha Atomic Research Centre, the Kalpakkam (Madras) Reactor Research Centre, the Hyderabad nuclear fuel complex, three public-sector industrial companies, a Power Products Engineering Division for designing, constructing, and operating nuclear power

³¹ Nehru stated in parliament that ‘Plutonium is of great importance, as it is not available as a commercial commodity. Its production is essential in order to enable the country to set up breeder power stations using thorium, which we have in ample measure’.

³² For example, the annual report of the Indian Department of Atomic Energy for 1980-1981 states that ‘the Indian nuclear program employs some 18,021 scientific and technical personnel and 11,651 auxiliary and administrative staff.’ It was also reported that ‘from 1978-79 to 1980-81 the scientific and technical staff had grown by two to three thousand per year.’

plants, private-sector satellite suppliers, and three government-sponsored teaching and research institutions” (Ram 1982; Cronin 1985: 61-62).

“As the result of these intensive efforts to develop an indigenous nuclear technology, India eventually achieved almost complete self-sufficiency and is now recognized as the most advanced country in the Third World in this field” (Asuelime 2013c).

Apart from the development of indigenous technology, India devoted significant resources to building research reactors, power reactors, and heavy water plants. All these facilities strengthened her nuclear infrastructure. “India has seven research reactors in operation or under construction. None of these is under international inspection and safeguards. In terms of plutonium production, two of the seven reactors - CIRUS and Dhruva - are significant” (Asuelime and Adekoye 2016). A Canadian-supplied, forty megawatt (mw) CIRUS heavy water, natural uranium reactor, which started up in 1963 and was the source of plutonium for India's 1974 nuclear explosion, can reproduce about nine kilograms of plutonium a year - enough for one bomb (Cronin 1985: 62). An indigenous Indian-supplied, 100-megawatt Dhruva heavy water natural uranium reactor, which was formerly called R-5 and became operational in 1985, is known to have the capacity to produce up to 30 kilograms of plutonium per year - or two-and-a-half bombs a year (Goldschmidt 1983).

India also has 10 power reactors operating or under construction. Among them,

“Tarapur I and II, using light water, low-enriched uranium supplied by the US States, started operations in 1969 and produce 200 megawatts of electric energy. Eight other power reactors are all CANDU-type heavy water-moderated, natural uranium fueled reactors and are in operation, under construction, or in advanced stages of planning with a capacity of 220 megawatts” (Asuelime and Adekoye 2016).

Power plants completed or under construction include Rajasthan I and II, Madras I and II, Narora I and II, and Kakrapar I and II. Except for Tarapur I and II and Rajasthan I and II, none of these reactors is under international inspection and safeguards (Spector 1987).

India has “seven units of heavy water plants producing 500 metric tons of heavy water annually (Spector 1987). They include Nangal, Baroda, Tuticorin, Talcher, Kota, Thal-Vaishet, and Manuguru, all of which are not operating under safeguards. Shortages of heavy water seriously delayed India's nuclear power program” (Asuelime and Adekoye 2016). Until the early 1980s “only one small plant (Nangal) was reliably operational, producing 14 metric tons a year, while some units of heavy water plants were plagued by breakdowns and feedstock shortages” (Asuelime 2013).³³ However, heavy water output reportedly grew significantly after 1984, based on the improved performance of other units, such as Baroda and Tuticorin.

One of the most critical constraints for the Indian nuclear weapons program is its modest reprocessing capability. Although the country (India) “has four reprocessing plants, they operate only on a small scale. The first reprocessing plant at Trombay, started up in 1966 as a small pilot plant, known to reprocess 30 metric tons of spent fuel per year from the crush research reactor” (Spector 1987). The second reprocessing plant at Tarapur, started up in 1979, is known to reprocess 100 metric tons of spent fuel per year from Rajasthan, Tarapur, Madras I, and FBTR. It is also reported that, when operated at full capacity, it could produce 135-150 kg of plutonium a year. However, its actual reprocessing capacity is limited since “India is barred by the U.S. from reprocessing spent fuel from the Tarapur reactors under the 1963 Indo-U.S. agreement for nuclear cooperation and a follow-up agreement with France” (Spector 1987:

³³ For example, the Baroda plant, which started up in 1977, was closed from 1977-1980 due to an explosion and a fire.

100). Two other reprocessing plants at Kalpakkam appear to be operated on a small laboratory scale.

Designing and testing nuclear explosive devices pose other technically critical constraints for India's nuclear weapons program. These constraints would be the most critical consideration for proliferators “that wish to obtain highly reliable weapons or to maximize the number of weapons from a limited stockpile of fissionable material” (Jones 1981: 27). Two attempts to explode a nuclear device failed before the successful test in 1974. In criticizing Prime Minister Morarji Desai for renouncing nuclear explosive testing, Reddy (1978) identified the following testing and design constraints in India:

“No country, however, advanced in its scientific knowledge, can master the technology of harnessing the atom without carrying out a series of tests to regulate the yield, refine the triggering mechanism, cope with the radioactive fallout and determine its uses under varying conditions. It is not, therefore, surprising at all that India has not been able to gain much original knowledge from the successful Pokhran test after the two false starts, nor has it mastered the art of fission and fusion from this single explosion” (Reddy 1978; Jones 1981).

Although designing and testing a nuclear explosive device was once a serious constraint, “India appeared to eventually overcome major critical technical problems with the successful test explosion in 1974 and continuing efforts to advance its weapons technology” (Asuelime 2013c).

In sum, despite some technological difficulties, India now appears to have “an indigenous capability to produce its own natural uranium fuel, to fabricate the fuel, to construct CANDU (Canadian-Deuterium-uranium) reactors, to produce the heavy water to modulate them, and to

reprocess the spent fuel into weapons-grade plutonium” (Snyder and Wells 1985: 61). If India operates its nuclear facilities at full capacity, theoretically it would have the potential capability to manufacture nearly 30 nuclear weapons annually (Spector 1987). However, “capability does not necessarily include the actual production of nuclear weapons. Practically, the decision to manufacture nuclear weapons depends on various military/political incentives and constraints” (Asuelime 2013c).

4. 2. 2. Motivations: Incentives and Constraints

A number of factors affected India's nuclear weapons options, including the elite's perceptions of security threats, the global and regional strategic environment, political and economic advantages, and India's status and power in the international system.

It has been argued that “military security considerations, particularly in relation to a potential strategic nuclear threat from China, were the underlying and constant incentive for India's nuclear weapons program” (Wilcox 1991).³⁴ In recent years, “this idea seems less tenable because the threat from the nuclear powers, including China, has been remote and overshadowed by more urgent needs such as economic development, military modernization, and perceived defense needs against a military threat from Pakistan” (Asuelime 2013c).

Military threats from Pakistan appear to be a major incentive for India's efforts to acquire a nuclear weapons capability. India is by far the most dominant power in the South Asia region and is generally thought to “have several-fold advantage in military equipment and man-power over Pakistan” (Spector 1987: 74). Thus, until the late 1970s, “military threats from Pakistan seem not to have directly increased Indian incentives for nuclear capability. However, as

³⁴ This was Wayne Wilcox's conclusion regarding the period before India's first detonation.

nuclear tensions with Pakistan increased after the late 1970s, Indian leaders appear to have considered the nation's nuclear weapons option a way of countering these growing threats” (Asuelime 2013c). Confronted with growing Pakistani nuclear threats in the early 1980s, Indira Gandhi declared that “she would not hesitate from carrying out nuclear explosions ... or whatever is necessary in the national interest” (Washington Post 1980). In 1984, spurred by new revelations of Pakistani nuclear smuggling and of reports that China had given it nuclear weapon design information, Gandhi urged India “to launch a preemptive attack against Pakistan's Kahuta enrichment plant”.³⁵ On October 31, 1984, she declared that “the Pakistani nuclear program was a qualitatively new phenomenon in our security environment, which must add a ‘new dimension’ to India's defense planning” (*Indian Express* 1984; Stevens 1984). By mid-summer 1985, “members of Gandhi's Congress Party as well as the right-wing opposition were openly calling for India to build nuclear arms in response to Pakistan. In short, the security problem with Pakistan appeared to have been the major incentive for India to acquire nuclear weapons” (Asuelime 2013c).

Another important motive in India's nuclear option was to achieve self-sufficiency in the field of nuclear technology. “From the beginning of its nuclear program, India emphasized the development of an independent nuclear capability, as illustrated by the three-stage nuclear energy program that aimed to replace external sources of supply and training with indigenous materials and skills” (Asuelime 2013c). India also insisted on developing a rocket system independently at enormous cost. It would have been cheaper to import US and Western technology and materials (*Indian Express* 1984; Stevens 1984). Many Indian people thought that by achieving a nuclear detonation, India would demonstrate its self-reliant nuclear capability, symbolizing the mastery of modern science and technology (Bett 1980). As Betts

³⁵ The accounts were based on a US intelligence briefing to a congressional committee

points out, the 1974 nuclear explosion was conducted to show that, despite its economic underdevelopment, 'in the nuclear field India is first class' (Bett 1980: 19).

International power and status were also an important incentive for India's efforts to produce nuclear weapons. For example, the 1974 nuclear test seems to have been motivated by the need to enhance India's international status. Soon after the first explosion in 1974, it was observed that "Indian officials spoke of the possibility of being able to talk to China on equal terms" (Adelphi Papers 1975: 19). Indian elites felt that the acquisition of nuclear weapons would foster India's recognition as a great power (Spector 1987). It was also suggested that India was very aware of the effect her first explosion would have on the non-aligned movement (Spector 1987). "Indian leaders perceived that nuclear capability would strengthen the non-aligned movement" (Asuelime 2013c). According to Indian analyst, Ravi Kaul, with the acquisition of nuclear weapons capability, "India would for the first time, be in a position to function as a truly nonaligned state, as she would no longer be dependent on either of the superpowers for the major part of her retaliatory capability" (Kaul 1969: 192). It was also suggested that India was seeking to regain influence among non-aligned developing countries through its nuclear option (Kaul 1969). In fact, a large number of non-aligned and developing countries welcomed the 1974 explosion as:

"a technological achievement demonstrating that even a developing country could acquire the knowhow to successfully accomplish the sophisticated task of exploding an underground nuclear device, which had for a decade been the exclusive preserve of the great powers" (Epstein 1976: 228).

Domestic politics was another important factor that affected India's nuclear option. It has been argued that “the 1974 explosion came at a time when Prime Minister Gandhi's popularity had sunk precipitously” (Potter 1982: 155). According to analyst Dr Bhabani Sen Gupta,

“major nuclear decisions from 1964 leading up to the bomb were taken by prime ministers during times of political weakness. Given the domestic political problems and internal crisis, it was hoped that by demonstrating nuclear capability, the leadership of the ruling party could divert public attention from its political problems and regain its popularity. In short, military security considerations, international power and status considerations, the goal of self-sufficiency, and domestic politics all appeared to motivate India's nuclear weapons option” (Asuelime 2013c).

While there were strong incentives to develop nuclear weapons, there were also various constraints on India's efforts to initiate a full-scale arms program.

Public opinion was an important constraint. According to Spector,

“public opinion is broadly divided into two different positions... the moderates and hawkish camps. The moderates, who include a number of prominent columnists, editors, academics, and civilian planners in the government, were opposed to the program. They believed that it would be extremely costly and that it would raise potentially grave diplomatic and economic sanctions from other countries” (Spector 1989: 88-89).

In contrast, the hawkish camp, including opposition politicians, some military officers, and top nuclear aides, argued that “India is unrecognized as a great power despite its geographic location, physical size, and population’ because it did not have nuclear weapons... In order to improve its status, India must have nuclear weapons” (Spector 1989: 88-89). The decision to

undertake the nuclear explosion in 1974 was carried out amidst an “open public debate regarding national self-interest. Although the final decision was made by Prime Minister Indira Gandhi, there were active public debates among a large group of proponents and a small group of opponents” (Asuelime 2013c). Although public opinion polls since the mid-1960s have consistently shown that the “majority of India's educated citizenry has a pronuclear weapons attitude, a combination of the Gandhian tradition of nonviolence and the strong anti-proliferation stance built into India's policy by Jawaharlal Nehru made the country much more self-restrained in pursuing the nuclear weapons option” (Goheen 1983). In addition, “India’s established tradition of parliamentary democracy meant that the government could not ignore public opinions and debates, which would be a considerable constraint in making nuclear decisions or advancing the nuclear weapons program” (Asuelime 2013c).

Economic costs were another important constraint for India's nuclear program. The cost of translating a civilian nuclear program into a militarily significant nuclear force with a supportive delivery system was enormous. “While many have criticized the uneconomical aspects of the Indian nuclear program, the leadership justified the program by stating that high investment in nuclear research would generate significant long-term industrial spin-off benefits for the economy” (Potter 1982). Given India's economic backwardness, widespread poverty, and massive domestic needs, however, it was argued that “it may become increasingly difficult for the government to justify a costly nuclear program which would require a drastic reallocation of scarce resources and seriously distort existing development efforts” (Lefever 1979: 38 and 40).

International military, economic, and political costs were another major disincentive in India's nuclear weapons option.

“Indian politicians considered that the acquisition of nuclear weapons could cause friction with friendly states and provoke serious reaction from other countries. The most immediate and dramatic impact was felt by Pakistan, its regional rival. Politicians reasoned that Pakistan might attempt to counter the nuclear threat from India by further stimulating its nuclear efforts, a prediction which proved to be true as a nuclear arms race erupted in the region, culminating in the 1998 nuclear tests by both countries. Thus, India’s acquisition of nuclear weapons further aggravated Indo-Pakistani tension in a region already plagued by territorial disputes. Indian leaders considered that China’s reaction to the country’s nuclear deployment was stronger than when India tested a nuclear explosive device in 1974. In order to counter Indian nuclear force, China might exercise preemptive strikes on India’s nuclear facilities at the early stage of development. The acquisition of nuclear weapons meant that India would enter into a new era of nuclear arms races with China and Pakistan – later events justified this line of reasoning” (Asuelime 2013c).

The Indian “acquisition of nuclear weapons also raised the possibility of grave diplomatic repercussions from other countries, such as the chilling of India’s relations with the Soviet Union, the undermining of its improved ties with the US, the imposition of economic sanctions by Western governments, and a loss of stature in the Non-aligned Movement” (Spector 1987). A precise calculation of the political and economic costs and benefits of the India’s open nuclear acquisition was not possible, at least in the initial stages. However, India had bitter experiences of strong pressure from the West, including the US, against the 1974 explosion.

“The US and Canada’s suspension of assistance after the explosion hurt India’s nuclear power program. Indian leaders considered that another test or demonstration of its weapons capability would result in the US suspending nuclear aid and subsequent delays which would seriously hamper the country’s further growth in the nuclear energy field.

Moreover, Western countries, including the US, would exercise collective action, such as economic and political sanctions. Despite these disincentives, India has openly tested its independent nuclear arsenal” (Asuelime and Adekoye 2016).

4. 3. CASE STUDY OF PAKISTAN

4. 3. 1. *Technological Capabilities and Constraints*

While Pakistan repeatedly denied any intention to produce nuclear weapons during the 1980s, it continued to build unsafeguarded uranium enrichment and chemical reprocessing facilities with no discernible relationship with its civil nuclear energy program. A number of other activities indicative of a nuclear weapons program were reported, including “test-site preparations, relevant high explosive experimentation, clandestine attempts to import non-nuclear items used in nuclear weapons, and alleged receipt of pertinent information from the Chinese” (Smith and Holst 1986: 23).

A number of sources assessed the status of Pakistan's nuclear capabilities. Some suggested that the country had the ability to manufacture nuclear arms (Howe 1984; Hersh 1985; Henderson 1984). “While it was not easy to assess Pakistan’s level of technological capability as the most sensitive components of its nuclear program were cloaked in secrecy, there was consensus that Pakistan was one of the most proliferation prone countries” (Asuelime 2013c).

Nuclear research in Pakistan began around 1955, when the government formed ‘a committee of distinguished scientists charged with drafting a comprehensive nuclear energy plan’ (Snyder and Wells 1985: 64). In 1956 the Pakistan Atomic Energy Commission was created under the chairmanship of Dr Nazir Ahmad. From 1956, several hundred Pakistanis were trained at

foreign research sites, including Harwell in the United Kingdom, and the Argonne, Oak Ridge, and Brookhaven laboratories in the US (Tahir-kheli 1982). In 1965 Pakistan started to operate a US-supplied small five megawatt PARR light-water, high-enriched uranium reactor (Spector 1987).

“Although an enlargement of the research reactor to 10 megawatts was planned, it is devoted primarily to medical and agricultural research under the IAEA safeguards. In effect, Pakistan did not have a nuclear weapons program until the late 1960s” (Asuelime 2013c).

Pakistan’s full-scale nuclear weapons program was initiated shortly after the country was defeated in the Indo-Pakistani War and Zulfikar Ali Bhutto came to power in 1971. According to eye-witnesses, Bhutto announced his plan “to develop nuclear arms at a secret meeting of Pakistan's top scientists and nuclear aids in Multan” (Weisman and Krosney 1981: 43-46). It was also reported in 1972 that Pakistan had installed a small 125-megawatt power reactor, the Karachi Nuclear Power Plant (KANUPP), supplied by Canada (Snyder and Wells 1985). This is a natural uranium, heavy water reactor of the CANDU-type, the fuel and the heavy water being supplied by the US and Canada. According to Snyder and Wells, it could produce “as much as 55kg per year of plutonium (enough for four to six bombs) when operating at full capacity” (Snyder and Wells 1985). However, “the reactor has operated at a reduced level of capacity since ‘Canada terminated fuel supplies in 1976 because of Pakistan's unwillingness to sign the Non-Proliferation Treaty’” (Spector 1987: 123). In addition, since

“this reactor was also under IAEA safeguards, the diversion of spent fuel from this reactor was not probable. In effect, the Karachi plant alone could not provide a substantial amount of fission materials for a nuclear weapons program. Thus Pakistan pursued its ambitious

plans to acquire nuclear weapons through the two routes - plutonium recycling and enriched uranium using its own facilities as well as by clandestine means” (Asuelime and Adekoye 2016).

Due to her modest facilities and the scarcity of skilled manpower and industrial resources, Pakistan required substantial assistance from foreign countries to develop nuclear weapons. “The 1974 Indian nuclear test further stimulated Pakistan's nuclear weapons program and the country embarked on the development of a full nuclear fuel cycle. Negotiations with France for a large reprocessing plant began in 1973, and a contract was signed in March 1976” (Jones 1981). However, international reaction to the Indian explosion derailed this deal. Canada sought “a special pledge from Pakistan not to use the proposed French plant to process spent fuel from the Canadian-supplied reactor at Karachi”, (Lefever 1979: 38-40) while the US, concerned about Pakistan's possible misuse of the plant, put heavy pressure on both Pakistan and France to abandon the reprocessing plant. “France terminated this project in 1978. However, independent efforts by Pakistan to construct at least a small-scale reprocessing facility continued. It was known that she had nearly completed a pilot-scale reprocessing plant, known as the ‘New Lab,’ which was capable of extracting 10 to 20 kg of plutonium per year” (Spector 1987). It is uncertain whether this plant is running at present. Furthermore, “since it is subjected to IAEA safeguards, any plutonium for nuclear weapons would not be available from this plant” (Asuelime and Adekoye 2016).

Pakistan used an alternative route to acquire nuclear capability.

“It constructed a uranium enrichment plant using ultra-high-speed centrifuges that is potentially capable of producing highly enriched uranium, the nuclear-weapons material alternative to plutonium. Under the leadership of Dr A. Q. Khan, a German-trained

metallurgist, Pakistan has been able to build a small pilot plant on an experimental scale at Sihala. This plant is so small that it cannot produce enough materials to manufacture nuclear weapons” (Asuelime 2013c).

However, by constructing a clandestine centrifuge uranium-enrichment facility at Kahuta, near Rawalpindi/Islamabad, Pakistan now has sufficient capacity to produce about 10 to 45kg of highly enriched weapons-grade uranium (HEU) annually (Cranston 1984). While the plant continues to produce material that is essential to the Pakistani nuclear-weapons effort, Pakistan has refused to place it under IAEA inspection (Spector 1987). In effect, all of these facilities will enable Pakistan to considerably increase the production of the fissionable materials required for its nuclear weapons program.

The successful enrichment of uranium at Kahuta is regarded as a remarkable achievement in Pakistan's nuclear weapons efforts. According to Dr Khan, the “making of the bomb would now be a political decision’ (Paul 1984: 41). Although Pakistan has achieved what Khan described as “commendable success in the enrichment of uranium putting an end to Western monopoly in this field” (Asuelime 2013c), the country’s nuclear weapons program is still confronted by a number of technological constraints.

“While Pakistan significantly upgraded its nuclear research and power program after the Indian explosion, its facilities remained modest and the country lacked skilled manpower and industrial resources. In order to develop a substantial number of nuclear bombs, Pakistan still requires substantial assistance from other countries. It has been well-documented in the media that Pakistan made a concerted effort to obtain technology and material for its reprocessing plants and several related enrichment installations from a number of Western nations through regular channels as well as by clandestine means.

Thus it appears that Pakistan does not yet have indigenous nuclear weapons capability” (Asuelime and Adekoye 2016).

Nonetheless, Pakistan overcame some of the critical problems relating to enrichment and reprocessing technology, and was able to produce sufficient enriched uranium and weapons-usable plutonium for a few explosive devices. However, as in the case of India, designing and testing nuclear explosive devices posed technically critical constraints for Pakistan's nuclear weapons program. While Dr Khan claimed that, “Pakistan has moved several steps forward in designing and fabricating an explosive device and its triggering mechanism” (Asuelime 2013c), the critical question was whether or not China would assist Pakistan in designing and testing nuclear devices (Paul 1984). It was reported that China had once given Pakistan design information on nuclear weapons (Spector 1987). However, due to strong pressure from the US, Chinese aid for Pakistan's nuclear weapons efforts apparently ceased in September 1986 (Spector 1987). From the early 1980s the US and all other Western countries imposed strict controls on nuclear trade with Pakistan. On the one hand, such actions slowed progress toward nuclear armaments. On the other, “Pakistan continued to move forward and gradually overcame its technological constraints. As technological constraints become less significant, the real question remains the military/political motivation and constraints which ultimately led to the development of nuclear weapons” (Asuelime 2013c).

4. 3. 2. Motivations: Incentives and Constraints

Various incentives can be identified for Pakistani efforts to acquire nuclear power status. The military security dilemma appears to be the most important factor. In the words of a Pakistani writer, Pakistan's desire to acquire nuclear weapons “arises largely from a perception of a military security threat including a nuclear one from India dating back several years”

(Khalilzad: 244). Since 1947 Pakistan has fought three major wars with India. In all these wars, Pakistan was generally in an inferior military position. The Pakistanis appear to have continuously feared nuclear blackmail by India. As Bhutto stated in 1966, “If Pakistan restricts or suspends her nuclear programme, it would only enable India to blackmail Pakistan with her nuclear advantage” (Bhutto 1986: 153). The loss of East Pakistan to India during the 1971 Indo-Pakistan War was

“a bitter experience for the Pakistani elite and the public. This prompted fears regarding Pakistan's continued existence as a nation and spurred the development of nuclear bombs to offset Pakistan's conventional military inferiority as well as to counter India's emerging nuclear weapons potential” (Asuelime 2013c).

The decision to initiate a full-scale nuclear weapons project was apparently made in 1971 shortly after the country's defeat in the Indo-Pakistani War. This was intended to counter ‘India's substantial conventional military superiority and its significant, but then still untested, nuclear capability’ (Spector 1987: 102). Pakistani security concerns increased after the 1974 Indian explosion. There seemed to be a growing belief among Pakistani politicians and strategists that India possessed small stockpiles of nuclear weapons (Paul 1984). Given India's conventional superiority in terms of armed forces, territory and resources, her possession of nuclear weapons would be a serious threat to Pakistan's security, challenging her very existence (Asuelime 2013a). In short, the perceived military threat from India appeared to be the critical factor motivating the country’s nuclear weapons option.

Pakistani politicians and strategists felt that ‘a nuclear weapons force would serve as a deterrent against India's nuclear and conventional capabilities’ (Paul 1984: 44). According to Dunn, Pakistani leaders believed that ‘nuclear weapons could help compensate for the weakness of

Pakistan's conventional military forces' (Dunn 1982: 45). Dunn also suggested that Pakistani leaders believed that 'possession of only a few nuclear weapons, or even the capability to develop them quickly, might lead to a more stable relationship, based on mutual nuclear deterrence, with India' (Dunn 1982: 45). In similar vein, Sajad Hyder, the former Pakistani ambassador to India and the Soviet Union, argued that 'Pakistan cannot hope to deter India unless it develops a credible nuclear capability' (*The Muslim* 1984). Furthermore, Pakistani leaders also considered that nuclear weapons could be used for offensive purposes. Cohen (1983), an American expert on South Asian defence, contends that:

In time of the heightened crisis Pakistan has not hesitated to be the first to employ heavy use of force [including nuclear force] to gain an initial advantage. This was clearly the pattern in 1965 and possibly in 1971; in both cases it was thought that a short, sharp war would achieve Pakistan's military as well as political objectives.

According to Paul (1984), Pakistani leaders considered the possession of nuclear weapons so as to gain a major initial victory in any future wars and cause unacceptable damage to the Indian armed forces at the very outset of war.

In short, the most important reason for Pakistan's interest in the nuclear weapons option appears to be international security considerations, especially the perceived nuclear threat from India. In the absence of a reliable and able nuclear protector, the perceived nuclear threat from India caused the Pakistani leadership to conclude that the only way to counter this threat and to overcome its security dilemma was to move towards the atomic bomb option. This was well expressed in Bhutto's statement in 1966 that 'Pakistan would eat grass rather than forgo a bomb if India produced one' (Potter 1982: 158).

International prestige was another important motivating factor in Pakistan's efforts to acquire nuclear bombs. Bhutto expressed the need for an 'Islamic Bomb':

We know that Israel and South Africa have full nuclear capability. The Christian, Jewish and Hindu civilizations have this capability. The Communist powers also possess it. Only the Islamic civilization was without it (Bhutto 1979).

Ever since its emergence as an independent nation, 'Pakistan has tried to become the leader of the Islamic countries' (Paul 1984: 46), providing military support and maintaining close technical and military collaboration. Some Islamic countries, particularly Libya, helped Pakistan to acquire uranium from Niger Republic for the manufacture of the 'Islamic Bomb' (Weissman 1983). The Pakistani leadership proposed that the country's nuclear bombs could be shared with Islamic countries in return for their financial contributions to the endeavor. This was expressed in an unusually candid statement by President Zia in March 1986:

Pakistan has reached a high level of nuclear technology for peaceful uses. We have announced that we have managed to enrich uranium, a very advanced technological operation. In fact, if the Islamic world possessed this technology, it means that 900 million Muslims possess advanced technology. It is our right to obtain the technology. And when we acquire this technology the entire Islamic world will possess it with us (Akhbar A-Khalij 1986: 1).

Undoubtedly, a Pakistani nuclear capability would be a source of pride for the Islamic world and enhance Pakistan's prestige among these nations.

Enhancing Pakistan's regional position in South Asia was another motivating factor for the country to acquire nuclear weapons. Pakistani leaders expected that nuclear force would

enhance its position in the region *vis-à-vis* India. It was argued that 'Pakistan always sought to play a much larger and more influential role in regional world affairs than its circumstances and capabilities permitted' (Palmer 1977: 404). It is questionable whether this is achievable.

Political objectives such as improving Pakistan's international political bargaining power and domestic politics were other important factors that affected Pakistan's nuclear option. For instance, Pakistani leaders sought to use nuclear weapons capability as a bargaining chip with the US and other Western countries, particularly in an era of Cold War international system (Asuelime 2014b). Indeed, the Pakistani leadership felt that a nuclear weapons option would be the only way to raise the superpowers' concern about Pakistan's vulnerability and to secure military and economic aid from them. The domestic situation also played a role in the Pakistani nuclear decision. Given the ongoing political instability in the country, it was hoped that the acquisition of nuclear weapons would enhance the regime's prestige and legitimacy among citizens.

While there were strong incentives to develop nuclear weapons, there were also various constraints on Pakistan's efforts to initiate a full-scale arms program. One significant disincentive for a Pakistani nuclear weapons test was international norms. The only nuclear material known to be available to Pakistan during the 1970s was for reprocessing and under safeguards. Should Pakistan have diverted safeguarded nuclear materials for use in a nuclear explosion, this would have severely damaged the international safeguards regime. This would have incurred severe penalties from the members of the Nuclear Suppliers' Group, including suspension of future nuclear cooperation. Past clandestine activities on the part of Pakistan resulted in Western supplier countries taking immediate punitive measures. For example, in 1976, Canada canceled its supply relationship with Pakistan, fearing that it might explode a bomb. In 1978, France canceled its agreement to construct a reprocessing plant. Since Pakistan's

nuclear power program is heavily dependent on nuclear supplier countries, the Pakistani leadership was aware that the termination of Western assistance would definitely damage her nuclear energy program. Furthermore, Pakistani leaders were aware that a nuclear explosion would trigger strong reactions from other countries, particularly the US and India.

The US expressed strong concern about Pakistani attempts to acquire nuclear weapons and threatened to halt military and economic assistance and security backing to Pakistan if it exploded a nuclear bomb. This would have impacted national security as well as developmental efforts in Pakistan.

Moreover, Pakistan's acquisition of nuclear explosives would have undoubtedly caused a strong reaction on the part of its regional rivals, particularly India. In a situation of heightened mutual suspicion, hopes of resolving existing disputes on the Kashmir issue and the proposed 'no war pact' and treaty of mutual friendship would become more remote. As Khalizad (1976: 248) points out, 'Pakistan's acquisition of nuclear weapons provides India with the rationale for an overt and more extensive nuclear weapons program'. The Indian government warned that 'if Pakistan assembled an atomic bomb, India would be forced to amass its own nuclear arsenal' (Khalizad 1979). As Pakistan continued to move towards nuclear weapons, India stepped up its nuclear weapons activities and achieved clear-cut superiority. Pakistan's fears of Indian nuclear blackmail increased. Moreover, there was a growing possibility of a preemptive Indian attack before the Pakistan nuclear force was fully developed. Given its smaller area, centralized population, and industry, 'Pakistan is very vulnerable to nuclear destruction even if a limited number of bombs are used' (Khalizad 1976: 248). These are important constraints on Pakistan's nuclear weapons option.

Economic costs were another important constraint on Pakistan's nuclear program, given its economic backwardness, widespread poverty, and massive domestic needs. The Pakistani leadership acknowledged that economic development would suffer if resources were diverted to a nuclear program. The nuclear arms race with India had serious economic costs for Pakistan. Pakistan has smaller potential economies of scale, a less advanced technological base, and a GNP less than one-fifth of India's. This meant that, 'Pakistan would find it much more difficult to undertake a significant nuclear weapons programme without major sacrifices' (Gupta 1983: 24). Moreover, the actual deployment of nuclear weapons by Pakistan might provoke drastic Western punitive economic sanctions, including the denial of access to World Bank and International Monetary Fund (IMF) loans.

Cohen rightly stated that:

Pakistan is just entering the nuclear era, but without full comprehension of the risks and dangers of nuclearization and certainly without the technical and scientific resources to even begin competition with its regional rival India and the new regional superpower the Soviet Union (Cohen 1983).

4.4 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)” (Asuelime 2013c).³⁶

³⁶ 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).

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)³⁷ are operating, advocating a secular independent Kashmir” (Asuelime and Adekoye 2016). These groups operate independently away from the clutches of Pakistan. Moreover,

“Afghan Mujahidheen and other fighters from Sudan, Algeria, Yeman, and Libya are also participating in the ‘Kashmir Jihad’. This clearly shows the growing Pan-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).

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

“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” (Asuelime 2013c). 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” (Asuelime 2013c). 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” (Asuelime 2013).

³⁷“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).

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 Mujahidheen³⁸ 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 Naxalites³⁹ 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 causes of the violence on its soil. On the one hand,

³⁸“The Indian Mujahidheen 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” (Asuelime 2013).

³⁹“The Naxalite insurgency is an ongoing conflict between Maoist groups known as Naxals and the Indian Government” (The Economist, 2006). “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)

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 intelligence organisation, Research Analysing Wing (RAW)⁴⁰ 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.

4.5 CONCLUSION

Many factors impacted upon India's nuclear weapons decisions. They include the elite's perceptions of security threats, the global and regional strategic environment, political and economic advantages, and India's status and power in the international system. The building of its research reactors were achieved with strong collaboration with the United States, Canada and Britain.

From *ab initio*, the incentive towards the building of a nuclear complex was premised on the need to use the development of nuclear science and technology as a means of economic progress, but it soon dovetailed into many other incentives. There were also various constraints

⁴⁰The 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.

upon India's efforts to initiate a full-scale arms program. Public opinion, along the broad divide of 'the moderates and hawkish camps', comprised a clear constraint upon India's nuclear option. Others included the economic costs of translating a civilian nuclear program into a militarily significant nuclear force with a supportive delivery system; international military, economic, and political costs; and the possibility of grave diplomatic repercussions from other countries such as the Soviet Union, the US, and the non-aligned states (Asuelime 2013a).

Pakistan's full-scale nuclear weapons program was initiated shortly after the country was defeated in the Indo-Pakistani War and Zulfikar Ali Bhutto came to power in 1971. Its nuclear complex was dependent on assistance from major western nations (such as the United States and Canada through the supply of small five megawatt PARR light-water, high-enriched uranium reactor, Karachi Nuclear Power Plant (KANUPP)).

Various incentives for Pakistani efforts to acquire nuclear power status include the military security dilemma as the most important factor. Others include international prestige, enhancing Pakistan's regional position in South Asia. On the other hand, constraints on Pakistan's efforts to initiate a full-scale arms program include international norms and economic costs.

Overall, the two countries show international dimensions and collaboration with one or more of the established five nuclear states – both in the development of their nuclear complex and in the development of its motivations.

“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” (Asuelime and Adekoye 2016).

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.

CHAPTER FIVE

THE KASHMIR CONFLICT AND ITS IMPACT ON DEVELOPMENT

5.1 INTRODUCTION

At an initial glance, it beckons on any one to classify the Kashmir conflict as a war of identity, a war over land and resources, or a war of power struggle. These elements do exist, but there are other factors to take into account. It is important to understand how these elements relate. According to Saibel (2014), “there is a tendency to look at land from a materialist lens but it is necessary to understand land in ... context”. Lentz (2006: 1) noted that Rights to land are intimately tied to membership in specific communities, be it nuclear or extended family, the larger descent group (clan), the ethnic group, or, as is the case in modern property regimes, the nation-states” on which the economy is dependent and by which development can be understood in this context for the Kashmir development crisis and for this study.

At the birth of India and Pakistan in 1947, the state of Kashmir had a population of about 4 million people who mainly clustered in the fertile valley of Jhelum River of the Indus River system. The Kashmir area is well irrigated by networks of the Indus river tributaries. With the supply of water, it is only normal for agriculture to thrive in the area especially in the lush fertile valleys. A vast majority of the people depend on agriculture as a source of livelihood. Being blessed with abundant supply of water, the Kashmir region could support more productive agricultural activities than the less irrigated Pakistan and India. Rice was a major staple among the Kashmiri people. Horticulture also gained prominence in the 1940s. Handcrafts, wool works, wood works and also tourism were income earners for the people. However, the handcraft and tourism sectors were the highest foreign exchange earners for the state; giving the people an international reputation of creativity and splendour. (Bouzas, 2012; Shahid, 2007)



Figure 5.1. Source: BBC, Kashmir territories profile, updated on 4th October 2016.

The former princely state of Kashmir (area) has been a source of contestation between India and Pakistan, although there a plethora of factors which have contributed to the contestation, some authors explain that the Kashmir's Maharaja hesitation over whether to join India or Pakistan around the 1947-48 after the creation of India and Pakistan in 1947, prompting the two countries to go to war over the territory. (Mahapatra, 2009). Alternatively, Wajahat Habibullah argues that the princely state of Jammu and Kashmir signed the Instrument of Accession with India on October 26, 1947, this was signed by the Hindu Maharajah. India's contention for the legitimacy of its claim to Kashmir has been based on that accession. Pakistan however, questions the validity of the pact, arguing that the districts with Muslim majority should have been under the control of Pakistan. For India, the Pakistani stance negates India's intended multi ethnic outlook, and as such debunks the Pakistani narrative..(Habibullah, 2004). These and more factors have formed the background of the relationships between these two rival neighbours

The Kashmir conflict has caused great losses, human and material losses for both countries. Being through four wars and occasional border skirmishes, the emergence of the militancy in

J & K in the late 1980's introduced a whole new dimension to the turmoil that was to ravage the region for the next two decades or so. Although the militancy started as a way of demanding for independence from India, the overall multi-dimensional cost implication was overwhelming for all conflicting parties (Ahmad, 2011).

Among scholars, there is no consensus as to the actual estimated cost of the conflict, factoring elements like women and children vulnerability which is difficult to quantify. However, the truth remains that Kashmir conflict wrecked enormous damage on a wide range of sectors and units of the Kashmiri society; damage to infrastructure, loss of livelihood, disintegration of the social fabric of society, economic retardation and the environment degradation.

The Kashmir conflict is one of the most delicate conflicts the world has witnessed, knowing that the lingering hostilities involves two nuclear powers. However, the ongoing peace process has created an avenue for economic re-construction. This strategy employed in the Kashmir case is one which seeks to build peace through developmental initiatives rather than reserving developmental project for conflict free areas. "Though the parties involved in the conflict have their own perspectives regarding the cause and course of conflict, almost all agree that the region is in dire need of peace as well as substantial economic development (Mahapatra, 2009; Shahid, 2007)."

This chapter explores the impact of conflict on the developmental curve of Kashmir and on that of the two rival states (India and Pakistan). It spotlights the recent efforts at fostering closer ties between the two contesting countries, noting the crucial fact that the two countries are nuclear powers. It is agreed that cordial relations cannot be nurtured between India and Pakistan if the conflict and violence in Kashmir is not curbed. This chapter further Identifies economic and other costs of conflict, it investigates how conflict Retards Development, examines the Impact of armed conflict on tourism, it illustrates the symbiosis of peace and

development in Kashmir and explores the economic and overall developmental opportunities peace building provides

5.2 ECONOMIC AND OTHER COSTS

India, Pakistan and indeed the disputed Kashmir region have all had their share of losses as a result of the Kashmir conflict. The economic impact of the Kashmir conflict is greatly underestimated, as the two major parties [India and Pakistan] seem to underplay the full economic implications, the associated cost incurred and the opportunities sacrificed or lost on the ‘altars’ of the Kashmir disputes.

“Though the parties involved in the conflict have their own perspectives regarding the cause and course of conflict, almost all agree that the region is in dire need of peace as well as substantial economic development. The economic cost of the conflict cannot be confined to a particular sector or industry. Besides damaging infrastructure of the region, the violent conflict has discouraged private investment, pushing the economy towards stagnation (Ganguly 2006).”

An attempt to assess the cost of the Kashmir conflict will involve investigating the economic and related elements associated with sustaining such a conflict. Ganguly (2006) explains that a sustained Kashmir insurgency and deteriorated relations between Kashmir and India could potentially distract India, trigger political complications and eventually repel investors.

Pakistan’s reliance on politicising Islam as reflected in its local and foreign policy posture has caused a rise in radical Islamic fundamentalists within the Pakistani Polity and the Pakistani controlled Kashmir, thereby dealing a strong blow on its socio-political structural stability. Inversely, India’s reluctance to find a political solution to these disputes and her holding onto Kashmir without a concrete resolution further negates her intended outlook of a religious and ethnic diverse state. India has also suffered several attacks from Islamist militants, where such

attacks have extended economic, political and developmental implications. Militant targeted The Red Fort in 2000 and the Parliament house in 2001. These attacks stimulated renewed hostilities and resentments between the two nuclear power rival countries, bringing them to the brinks of war (Ganguly, 2006; Shahid, 2007).

The huge spending on security and military by India and Pakistan is directly linked to the unrest in the Kashmir region. The Indian government spends a lot in the deployment of security personnel to the area. For military expenditure In 1992, India and Pakistan spent 6.49 and 2.8 Billion Dollars respectively and in 2002, 12.87 and 2.5 Billion dollars respectively. These values represent about 2.5 percentage of their respective GDP. (Shahid, 2007)

Shahid argues that

“...small countries in the neighbourhood of large states tend to spend less on defence if their relations are cordial. In 2002, Argentina, for instance, spent only 1.1 percent of its GDP on defence, compared to 1.6 percent for Brazil. For Canada the proportion was only 1.1 percent compared with 3.4 percent for the United States. ...If Pakistan had spent 2.5 percent on defence, a proportion roughly equivalent to that of India, it could have saved as much as 3 percent of GDP a year. Compounded over the length of the conflict, the amount saved is equivalent to four times the country's current GDP. What would have been the consequence if this entire amount had been invested in the economy? Assuming that the rate of return would have been the same as that realized from investments in the past, additional capital flows into the economy would have significantly added to the country's economic growth rate. Put another way, military expenditure maintained at a level of 2.5 percent a year with the savings utilized at an incremental capital ratio of four which means that investment equal to 4 percent of GDP

raises the rate of GDP growth by 1 percent would have increased the long-term GDP growth rate by as much as 0.75 to 0.85 percent a year (Shahid, 2007).”

In 2014, foreign direct investment (FDI) inflows to South Asia rose to \$41 billion in, basically due to India’s good performance. India in 2014 attracted a whopping 22 per cent of South Asia’s total FDI, amounting to about \$34 billion. With the recent introduction of "Make in India" initiative, the huge developmental effect can only be imagined. Hence, continuous economic gains and increased FDI inflow for India are expected (UNCTAD, 2015).

A regional outlook shows that Pakistan has been more affected economically by the Kashmir conflict, when compared to India being a bigger and stronger neighbour. Improved cordial relations with India and enhanced trade with-in the region will attract more FDI’s into Pakistan, helping to cushion the limited local savings and investments. In 2002, Pakistan gained an inflow of \$823 million in FDI in relation to India’s \$3 billion. Both countries performed poorly that year, when compared with others in East Asia, for example, Malaysia received \$3.2 billion, Thailand \$2.4 billion, South Korea \$2.0 billion, and the Philippines \$1.1 billion. Foreign investors stayed away partly because of the less open economies of the region, because of the obvious absence of intraregional trade and also because of the security concerns. If these concerns are eliminated, India and Pakistan could possible attract \$10 billion a year and \$2 billion a year, respectively. Two billion dollars of foreign flows would be equivalent to 3 percent of Pakistan’s GDP (Shahid, 2007).

India’s growing industrial sector has encouraged more collaboration with other South Asia countries. It is believed that Pakistan would have had a good share of such developmental collaboration, had the relationships between the two countries been better. At the beginning of November 2005, for instance, The Tata Group of India unveiled Bangladesh as the recipient of its biggest FDI. An outlay so big it could be equivalent to the total stock of Bangladesh’s total

current stock of FDI. Tata's grand plan was to invest \$2.5 to \$3.0 billion (Shahid, 2007). This is a pointer that large Indian corporations are now moving abroad to invest huge capitals, but they are very reluctant to invest in Pakistan, as a result of the concerns surrounding the lingering conflict. Other South Asian countries are now gaining the much developmental investments as India's corporate sector reaches out to them Pakistan definitely stands to benefit a great deal from cross border investments within the South Asian region by nurturing healthy relations with its neighbours like India.

An example of such envisaged Pakistan - India collaboration is the typified in the recent China-Pakistan collaborations. The UNCTAD 2015 report indicates that FDI inflows to Pakistan increased by 31 per cent to \$1.7 billion as a result of rising Chinese FDI flows in services. An agreement entered into by the two countries in April 2015 included Chinese companies investing about \$45.6 billion in Pakistan in the following years – \$33.8 billion in electricity and \$11.8 billion in transport infrastructure. The resultant China-Pakistan Industrial Corridor and associated Chinese investment in infrastructure and manufacturing is in the overall context of implementing the "One Belt, One Road" strategy (UNCTAD, 2015).

One can simply assert that intraregional trade and economic productivity would have naturally been better if India and Pakistan were in a cordial relationship. Hence, it is safe to state that the conflict has local and regional economic cost implications.

The 1990's witnessed a rise in insurgency activities in the Kashmir region, which naturally created serious investment gaps between Pakistan and India.

“Bank, private investment in India and Pakistan was about the same from 1982 to 1991. However, from 1992 to 2001, private investment in Pakistan was six percentage points lower, 75 % of this gap is attributable to the deterioration of the investment climate in Pakistan caused by the rise of Islamist militancy in the country, and then we can deduce

that this scenario alone led to a loss in growth. Stable relations with India would have brought economic and perhaps political gains to Pakistan, which would have produced a better investment climate in the country and contributed to higher levels of domestic savings and investment. Stability would have also contributed to increasing the rate of GDP growth (Shahid, 2007).”

Historically, India’s initial resentment towards Pakistan was not always as a result of the Kashmir dispute. The first generation of Indian leaders in particular, Jawaharlal Nehru, the country’s prime minister, and Sardar Vallabhbhai Patel, the very influential interior minister in the first Indian cabinet were unhappy at Muhammad Ali Jinnah, Pakistan’s founding father, and his associates. Jinnah and his associates resisted the realization of the Hindu leadership’s dream of a united India, which was to be the realisation of the Hindutva dream. The Indian leaders initially believed that they could coarsen Pakistan into coming back to the Indian fold by increasing the economic cost of breaking away. It was for this reason and definitely not the Kashmir conflict that made India to engage in its first trade war against Pakistan in 1949. However, the Kashmir situation later caused relations between the two neighbours to deteriorate, thereby weakening the strong economic links that had existed between the two parts of British India before they became independent states. (Mahapatra, 2008)

The cost of the Kashmir conflict can also be seen on the impact on human lives, an estimate of over 40,000 human lives have been lost to insurgency, and over one million people have been displaced from the Kashmir region due to militant activities, there is also an increase in the vulnerable group in the region as a result of the lingering conflict; The number of psychiatric cases have been on the increase, about 45,000 psychiatric patients were recorded in Srinagar between 2003-2006 (Mahapatra, 2008).

The economic cost of the conflict has identifiable multi-dimensional impact and not limited to a particular sector of industry or investment prospects. It has caused damage to the public infrastructure and created a disincentive for investment, thereby leaving the economy stagnated and in dire need of capital injection. It has also impacted the major sources of local livelihood such as tourism, horticulture and handicrafts industries.

One of the main industries in the Kashmir valley being tourism has suffered very much over the years, due to violent activities. It has experienced a downward curve since the late 1980s after militancy activities increased.

“...The number of tourists visiting the state per year had gone down from around 7,000,000 in the pre-militancy days to a few thousands in the following years. It is estimated that the state lost 27 million tourists from 1989-2002 leading to tourism revenue loss of \$3.6 billion. According to the records, while as many as 557974 tourists visited the state in 1989, in 1993 the number reduced to 8026. In the year 2002, 27358 tourists visited the state. Since then the number of tourists keeps on increasing or decreasing depending on the level of violence at that particular point of time (Mahapatra, 2008).”

Furthermore, Mahapatra explains that the number of tourist visitors have not been as much as the number recorded in the pre-militancy periods. With the intensification of militant activities, the tourism dynamics has also changed in the Kashmir area. During the pre-militancy era, the favourite destination was the beautiful Kashmir valley. However, currently, there is a marked increase in the tourists' visits to Vaishno Devi shrine, in Jammu region and to Leh in Ladakh. As much as tourists like to visit the Srinagar area, they do not go because of security concerns, where tourists are in many cases targets of militant attacks. The locals wail over this great tragedy; the local economy has been severely impacted negatively by the unrest, where only a

handful of hundreds of visitors appear in the valley as against previously witnessed thousands of visitors.(Bouzas, 2012; Habibullah, 2004)

Agriculture, horticulture, and the handicraft industry have also been seriously affected by the conflict and violence in Kashmir. These sectors constitute a source of survival for the local people, unfortunately it is not flourishing as a result of the conflict. The Kashmir region is

“known for wide variety of agricultural and horticulture products. The prevailing conflict in the environment has prevented people from taking full advantage of the available natural potentials. The horticulture industry has suffered directly as well as indirectly due to conflict situation. forests of the state, which once covered about eight thousand square miles, have also been among the principal casualties of the violence deforestation. Consequently, the state’s forest area is below the standard prescribed by National Forest Policy (Mahapatra, 2008).”

“It is estimated that the state lost 27 million tourists from 1989-2002 leading to tourism revenue loss to the tune of US \$ 3.6 billion (Mahapatra, 2008; Shekhawat, 2009).” The negative economic implications of the Kashmir contestation have

“been acutely felt since late 1980s when militancy gained momentum. It is a vicious circle in which violence has led to underdevelopment and vice versa, and in this gruesome scenario it is the common people of the region who suffer the most (Mahapatra, 2008).”

Dovetailing from the above, Policy Statement and

“ Guidelines on Conflict, Peace and Development in 1997, also posits that Sustainable economic development cannot be achieved without peace and stability, and peace and

security are not possible without meeting the basic economic needs of the people (OECD, 1997).”

5.3 SYMBIOSIS OF PEACE AND DEVELOPMENT

Sustainable development cannot be achieved without peace and stability, the discourse surrounding the Kashmir state is one that demonstrates the multi-faceted ills that ensue from conflicts and also the prospects of a more developed society when peace is cultivated and sustained. Invariably, this re-enforces the perception that “there is a direct correlation between peace, stability and development”.

The Kashmir conflict destroyed the cohesive nature of the Kashmiri society, tearing apart the very Kashmiriyat composite culture. Local communities saw themselves trapped between Indian security forces and Islamic militants, the local people in the valley for instance, for fear of losing their lives had prioritised staying alive over being engaged in any productive venture, and hence a marked emigration where many fled their local communities for safety (Mahapatra, 2009; Shahid, 2007)

As a result of the conflict and violence, sources of livelihood were affected in areas of agriculture, horticulture and the handicraft industry. The infrastructure was also severely affected.

“...From 1989 to 2002, some 1 151 government buildings, 643 educational buildings, 11 hospitals, 337 bridges, 10 729 private houses and 1 953 shops have been gutted in about 5 268 attacks. The enormity of economic damage due to militancy is evident in

the estimates of damage that occurred, estimated at approximately 4 billion Indian rupees (INR) until December 1996 (Mahapatra, 2009).”

The negative impact certainly did not spare the tourism sector which witnessed tremendous reduction in tourist visits.

The sharp contrast between the two periods (the violence and post-violence) periods gives an insight into the havoc conflict wrecks and the healing that peace is capable of bringing to a conflict-ravaged region. Mahapatra (2009) describes the current situation in Kashmir, as a case of “symbiosis of peace and development”, where the present post-violent atmosphere indicates a direct link between peace and development in the contested Kashmir region. It demonstrates how the peace process has trickled down to the grass roots and stimulated a “spirit of participatory development” among the Kashmiri people. The prevailing atmosphere of peace has made developmental strides possible, providing a chance for significant economic reconstruction and overall development.

The international community has generally come to accept dialogue as the preferred means of conflict resolution. This can be seen being applied in the India Pakistan contestation over the state of Kashmir. As the two countries are making attempts at restoring peace to the troubled area. The talk represents a reflection of various interests which include India, Pakistan, Kashmiri and the international community. India and Pakistan had heated and volatile relations after they both tested nuclear weapons in 1999. By 2003 India under pressure from the international community had initiated a number of confidence building measures to stimulate peace building between her and Pakistan; they were measures to improve people to people communication between the two countries via roads, rails and water ways between both countries. A truce accord between the two rival nations was achieved by 26 November 2003 along the India-Pakistan international border, referred to as the Line of Control (LOC) and the

Actual Ground Position Line (AGPL). In 2008, the India and Pakistani ministers had a talk to review the post war peace process which seemed to have restored some level of cordiality between the neighbours after they were at the brinks of war in 2002, following militants attacked on India. (Bouzas, 2012; Vaish, 2011)

A critically look into the Kashmir dispute will reveal that despite the accord, the traditional enmity between India and Pakistan remains unresolved. This constitutes a core consideration in the overall peace building process between India and Pakistan. The critical challenge rest on the premise that LOC is still mainly considered as a ceasefire line and it can be challenged. Therefore, the opening of the LOC in many ways only addresses the humanitarian concerns and does not represent a comprehensive political solution, considering the uncertainties of the future settlement arrangements and the complex, power, social and regional dynamics.(Bouzas, 2012)

The initiated peace process, by India and Pakistan after the Kargil crisis, is remarkable for initiating the right atmosphere and stopping the armed confrontations along the borders. These agreements were reached between the then Indian prime minister, Atal Behari Vajpayee, and Pakistan's former president, Pervez Musharraf, to discuss a peace process on the side-lines of the Islamabad South Asian Association for Regional Cooperation Summit meeting in January 2004. In signified a readiness to begin a negotiation for peace and resolution of all bilateral concerns which necessarily included Kashmir.

“...at an internal level, the government of India launched a major peace mission, in order to create an environment conducive to negotiations. It announced the unilateral non-initiation of combat operations in J&K on 19 November 2000 – and this initiative was extended twice, up to 26 February 2001. The broadening of democratic activities by holding state assembly elections in 2002 and 2008, which were widely recognised

as free and fair, was another crucial step towards conflict transformation (Mahapatra, 2009).”

India had also expressed its willingness to enter into talks with groups that renounced violence. The dialogue, since 2005, kick started by the Indian prime minister and involving the moderate faction of the separatist group in the Kashmir valley, the All Party Hurriyat Conference (APHC) amounted to a great accomplishment. Following this, the Indian government organised three round table conferences in New Delhi, Srinagar and New Delhi in February 2006, May 2006 and April 2007 respectively, with the aim of giving audience to divergent views, it also saw the establishment of 5 working groups, saddled with the duty of investigating the various contentious issues confronting the Kashmir region and its development. These steps were in recognition of the fact that peace and development go hand in hand.

Conscious efforts have been made to ease the re-integration of people between the two sides of Kashmir by facilitating a people to people interaction; easing of the visa process; exchanges through bus, train and air services between Srinagar and Muzaffarabad, and Lahore and Delhi; and the opening of intra-Kashmir routes at Srinagar-Muzaffarabad and Poonch-Rawalakote. The denouncement of radicalism by Islamabad and the exchange of prisoners at Wagah also stands as a key pointer to her willingness to embrace peace and foster development in the region. The cross communication that followed these new opening and the Interactions between civil society⁴¹ activists from both sides of Kashmir people in the two sides of Kashmir were

⁴¹ The 2012 World Economic Forum rightly identified the wide-ranging roles of Civil Society Organisations under the following major divisions: watchdogs, advocates, experts, capacity builders, incubators, representatives, citizenship champions, solidarity supports, and definer of standards. As such, functional Civil Society Organisations are considered important agents of democratisation and have been evolving in impactful and dynamic ways (World Economic Forum, 2013). The role of Civil Society Organisations are prevalingly linked with the promotion of democracy, good governance and development (National Development Agency, 2008). Thus, Civil Society Organisations “are imperative as a space for the building of identity in a world where citizens feel that they have little control over their circumstances and where the nation state becomes too big for its citizens and too small in relation to the global world order” (Charities Aid Foundation Southern Africa, 2012). Equally, it has been observed that the level of economic development and the development of Civil Society Organisations are correlated. “At the individual or national level, higher income and higher education levels both correlate

tired of the lingering troubles and wanted and yearned for peace and development (Mahapatra, 2009; Shahid, 2007).

Bouzas explains that communities along the border have gradually embraced the new wave of changes which marks a sharp contrast with their historical volatile experiences. These areas depict a society undergoing stages of socioeconomic transformation from a traditional self-sustainable agrarian society to a more service-consumer oriented society. There are also records of population growth along the border communities with the possibility of finding employment in the Tourism, Public or Non-profit sectors. Visible construction activities for business purpose have become common sights. Furthermore, schools have become more visible in these areas, thereby increasing the literacy rate and becoming the guarantors of socio-economic mobility (Bouzas, 2012).

There is a general consensus that violence cannot be a solution to the Kashmir conflict.

The peace process within Kashmir, combined with the external inputs to the peace building process has created a remarkable atmosphere of hope. This positive atmosphere has encouraged both the governments and local people, to participate in the economic reconstruction and development of the troubled region. The Indian policy shows a shift from providing ‘largesse’ to the Kashmir state to engaging in developmental projects which have long lasting effects. The Bharat Nirman Project – NBP is a case in point which was launched by the Indian government in 2005 to carryout infrastructural development in rural areas, where INR 40,000 million was set aside for the development of 1,643 villages.

with increased participation in (for individuals) or numbers of (for states) civil society organizations“ (Pekkanen, 2004: 374). Hence, healthy Civil Society Organisations actively facilitate citizenry participation in public life, enabling them to advance and/or defend their interests (Charities Aid Foundation Southern Africa, 2012: 20). Similarly, Castells aptly observed the important role of Civil Society Organisations in addressing citizens’ vulnerability, especially in terms of their loss of identity, to increasing global order relative to their smallness (Castells cited in National Development Agency, 2008)

“....This change in approach is fruitful in two ways. First, it helps to address economic grievances of the people by engaging them in development projects, thereby further contributing to the peace process. Second, it helps to reduce the chance of the conflict resurging, as poverty and unemployment are, among other factors, considered propellers of violence. Hence, it may prove not only costly but also imprudent to wait for the conflict to be settled fully before initiating a process of economic development (Ganguly, 2006; Mahapatra, 2009).”

The loyalties of many communities along the border line are usually viewed with some sense of suspicion. This is so for instance with Pakistani controlled areas of Kashmir, who are not considered full citizens of the Pakistani state. The re-constructed Kashmir region continues to retain some unanswered questions because the all-important issues of belonging and self-identification have not been resolved. An example being the inhabitants of Skardu, who do not feel they are part of Kashmir, they are kept within the Pakistani state but they do not enjoy full citizenship rights. The prevailing peace and relaxation of tensions in the region and the adoption of a stance to transform the hostility of the border area by improving cross border activities can improve the situations of landscape will have good developmental effects. However, the dismantling of negative ideological frameworks which the boarder people have imbibed over the years need to be addressed. Therefore, the opening of the borders is one thing but the symbols and practices of historical hostility necessarily need close consideration (Bouzas, 2012)

Economic revival is a difficult task which is characterised by dealing with multiple problems; reviving failing industries, exploration of resources and attracting investors both internal and external. Kashmir is endowed with great fauna and flora potentials, a scenic beauty and stood out as a prosperous economic hub in pre-independence era, it enjoyed trading relations with neighbouring regions like China, Central Asia and West Asia via the famous Silk Route.

The economic revival and revamping of industries and strengthening the private sector, opening up of link routes and infrastructural development will boost the region economically and increase job opportunities also.

“Ghulam Nabi Azad, then Chief Minister of Kashmir, repeatedly stressed the need to pay attention to these ‘developmental’ factors. He was confident that 80% of militancy would cease ‘if we are able to give employment to the youth’ ...a survey conducted by the British group Market and Opinion Research International (MORI) in March 2002 indicated that 93% of Kashmiri respondents believed that the correct way to bring peace to the region would be through economic development, which would provide more job opportunities and reduce povertythe region also needs the attention of national and international financial institutions, as well as aid agencies.100 new road projects were launched in the state during March 2007. Watershed development is another area where the World Bank has taken interest, and the power sector can also be boosted with the help of these institutions. Foreign aid agencies like the United States Agency for International Development (USAID), and development banks, such as the Infrastructure Development Finance Company (IDFC), can also assist in the revival of the Kashmir economy (Mahapatra, 2009).”

Kashmir has witnessed remarkable changes; being an erstwhile princely state, being a source of contention between India and Pakistan, suffering from immense human and material, being a battle line in four wars between India and Pakistan, being the object of border skirmishes, and recently attempts are restoring development and stability in this region. There is a general realisation that peace and development in Kashmir can be achievable with the participation of all parties. Kashmir can become a zone of peace and development, with the participation of all parties involved in the conflict. The remarkable aspect of the Kashmir peace process is that it creates an opportunity to bring peace by means of development to the region, instead of waiting

for the conflict to be resolved fully. The peaceful space provided by the recent thaw between India and Pakistan can be used to promote development.⁴²

⁴² The importance of Civil Society Organisations in the overall realisation of human-centred development has gained ascendancy in DDS literature especially in recent times. Thus, the notion of “restricted ... access to the state by organised groups in civil society” considered as integral to DS (Öniş, 1991: 119), now hardly represents the developmental state in the modern era. In fact, it is believed that a weak and subordinated civil society cannot give a truly democratic developmental state (Maphunye, 2009: 47). Even in the case of East Asian DSs, the importance of civil society is traceable despite the autocracy. The hyperactive student movement in Korea which aided in checking the abuse of bureaucratic and government power is a case in point (Öniş, 1991: 115). “In spite of the inherent weakness of civil society in the East Asian context, certain elements within civil society have nevertheless contributed to the process of increased accountability” (Öniş, 1991: 115). Accordingly, civil society’s participation in the governance process is as important as the other features of DSS, such as remarkable economic growth, a state-led developmental agenda, and ethical civil service administrations, among others (Maphunye, 2009: 45-46). Participation in this sense refers to the relationship between various interest groups and the government aimed, directly or indirectly, at influencing the developmental trajectory of the state (Roodt, 2001: 470).

The attainability of highly desirable goals within the DDS paradigm, no doubt, calls for enormous efforts and inter-agency cooperation. One particular agency that has contributed globally and continues to influence societal development, even in the classical developmental states, is the civil society. In Japan’s developmental story, the salience of civil society is evident especially in term of their contribution to social movements. For instance, with reference to Japan, Pekkanen asserts that a “quiescent civil society sector (the organized non-state, non-profit sector) characterized the developmental state and was as central to the bureaucracy’s political insulation as the distance from politicians” (Pekkanen, 2004: 363).

According to the Edigheji (2005) four important principles characterise a DDS namely: electoral democracy; popular participation in the development and governance processes; economic growth; and state-driven socio-economic development. Clearly, the salience of civil society participation in the development and governance processes is acknowledged here. Civil society is integral to the consolidation of democracy. Yet among the scholars that acknowledge the salience of civil society in the developmental state, only a few show how civil society can work well with a state’s policy intervention. By definition in Developmental State literature, the notion of state generally excludes the business sector, civil society and political society (Routley, 2012: 6; Okoliko, 2014). A Developmental State thus is inherently supposed to be characterised by “restricted and preferential access to the state by organized groups in civil society” (Öniş, 1991: 119). To this effect, the notion of insulated bureaucracy, deemed a strong feature of the Asian DS model, is often sometimes overstressed (Leftwich (1995: 405); Öniş, 1991: 119).

But as Maphunye (2009: 8) rightly observed, this overemphasis on insulated bureaucracy undermines “the relationship between citizen participation in policy-making (especially development planning) and policy formulation: such an insulated bureaucracy would ultimately be autonomous from popular preference and even political intervention”. Advocates of the 21st century Democratic Developmental State immediately acknowledge that a vibrant civil society is a sine qua non of development (Evans, 2010; Maphunye, 2009: 13). Thus, Evans (2010:49) noted that the 21st century Developmental State will need to be a capability-enhancing state. The states would then be about building relevant links with civil society actors in order to ensure consensus aimed at providing collective goods such as education and health.

The three major institutions of a state namely: the government, the economy (or business), and civil society are without doubt inter-connected and interdependent in a healthy society. This relationship and the quality of their performance is likened to organs in a body or species of fauna and flora in an eco-system (Inyathelo Annual Report, 2012: 15). Therefore, the task of “aiding and assisting the building of a society to enable citizens to live in a society where basic needs are met” almost automatically makes a cooperative rather an adversarial approach of a Civil Society Organization to the state a necessity (National Development Agency, 2008: 19). The foregoing is indicative of fact that “Non-governmental organizations (NGOs), labour leaders, faith based organizations, religious leaders and other civil society representatives play a critical and diverse set of roles in societal development” (World Economic Forum, 2013: 3).

5.4 IMPACT OF ARMED CONFLICT ON TOURISM

It is an established historic fact that whenever conflict and violence holds sway, the economy becomes a sure casualty. This manifested as from the 1980's in the Kashmir region also, where the economy was terribly negatively impacted. Key sectors in Kashmir include agriculture, horticulture, industry, crafts and tourism. People in the valley areas and tourist spots greatly relied on the tourism industry to make a living. Tourism has been identified in the Kashmir region to have the potentials of development next to agriculture and horticulture (Ahmad, 2011) “...Kashmir is a stunning and captivating land that abounds with natural beauty. Adorned by snow-capped mountains, wildflower meadows, immense glaciers, and sparkling lakes, Kashmir has often been compared to heaven on earth (Ajaz, 2014).”



Figure 5.2 Image of The icy mountain range in Ladakh, Kashmir.
Source: Kiashmirwallpapers.com

Conventionally, the power and potential of civil society groups and activism helps to build the collective mental framework needed to help resolve conflict and advance development.



Figure 5.3. Images of local Kashmiri women in a craft
Source: Kiashmirwallpapers.com



Figure 5.4. Image of lush horticultural garden in Srinagar
Source: Kiashmirwallpapers.com

The pristine beauty of Kashmir got replaced by an unpleasant sight. India and Pakistan has contested ownership over this region with records of death, destruction of infrastructure, violations of human rights, forced migration and even more. The confrontations between militants and Indian security forces increased the deaths, fear and hostilities. Civilians were killed on a daily basis. There were high yearly records of rape, torture, disappearances and regular violence. These activities made the Kashmir region an unattractive destination for tourist because of security concerns. There was a marked unwillingness of investors to sustain or set up businesses, and a drastic reduction in the number of tourist visitors to the area. Prior to the Pre-militancy era, the preferred destination was the Kashmiri valley, however after the outbreak of conflict and violence, the number of tourist visits plummeted. The Shri Mata Vaishno Devi shrine witnessed a sharp fall in the number of tourist visits. However, from the periods of re-construction and peace building, that has been a steady increase in the number of visitors to the Shri Mata Vaishno Devi shrine. in Jammu region and to Leh in Ladakh Though the number of tourists to Srinagar has increased with the launch of the peace process (Ajaz, 2014)

Although the volume of tourists to Srinagar and Ladakh has increased with the prevailing peace initiative, the militant targeting of tourist has continued to be a challenge to the tourism industry. Other sources of livelihood have also been severely affected (Ahmad, 2011). They include agriculture, horticulture and the hand craft industry, all these sectors have been severely affected just like the tourism sector as a result of the conflicts However, it is tourism that creates the source of lively hood or at least supplements the for the inhabitants of tourist destinations. The potential of tourism in the Kashmir region is huge and has the capacity to rival the productivity levels of agriculture.

“The result was that the tourist inflow made considerable upward movement in mid-eighties of the last century. However, with the increase of militancy activities in the

State from 1989 onwards the tourist industry completely diminished (Ahmad, 2011; Ajaz, 2014).”

The tourism sector, with rising militancy, experienced significant setbacks. The health resorts of the valley became a shadow of itself, deteriorating in outlook. The disappearance of the enchanting, serene and scenic beauty of the health resort marked the loss of its glory days. The people who were saddled with the duty of beautification and maintenance of the resort were performing their duties. The principal concern of the government was security and quelling the fangs of militancy, and maintenance of order.

“In the past i.e. before militancy, a separate budget was kept for the development of infrastructure and beautification of these resorts which later on had been diverted and invested on such ventures to curtailing the impact and influence of the militancy in the valley...as a result of which once beautifully maintained gardens of health resorts had been turned into bushes, thorns and other kind of weed that engulfed the garden. In certain cases, these health resorts had become the hideouts and safe haven of the militants. History bears witness to the fact that some militants had been killed in an encounter with the security forces on these resorts. Some of the tourist huts or tourist bungalows were gutted to ashes. This state of disorder also allowed land grabbers and squatters to further and further encroach on their houses into the tourist resorts. If we look at the Dal lake its water is stagnant and full of trash, sewage and weeds.... cow dung ...the fate of Manasbal lake is no different. Today the lake is fighting a lost battle on many fronts, viz, illegal encroachment on the periphery on Ganderbal and Qazibagh sides in the form of vegetable gardens, toilets, residential structures, garbage dumping sites etc. Wrappers, plastic bags, rags, vegetable peelings, empty cigarette cases and other constituents of garbage are seen floating in its water affecting the entire beauty (Ajaz, 2014).”

Tourism which was considered to be the mainstay of the Jammu and Kashmir has been greatly affected by the armed conflict. Tourist once visited the Kashmir region in their millions until the late 1980's; with the rise of militancy in the 90's creating a *fear of the unknown* in the hearts of intending tourist, the tourist numbers invariably plummeted. The table below shows the staggering frequency of tourist visits as a result of the Kashmir conflict

Table 5.1 The Relationship between conflict and tourist activities as shown in the Pattern of tourist flow to Kashmir from 1989 to 2010

Year	Home	Annual%age Change	Foreign	Annual%age Change	Total	Annual%age Change
1989	490212	-25.96	67762	13.05	557977	-22.72
1990	6095	-98.76	4627	-93.17	10722	-98.08
1991	1400	-77.03	4887	5.62	6287	-41.36
1992	1175	-16.07	9149	87.21	10324	64.21
1993	0	-100	8026	-12.27	8026	-22.26
1994	500		9314	16.05	9814	22.28
1995	322	-35.6	8198	-11.98	8520	-13.19
1996	375	16.46	9592	17	9967	16.98
1997	7027	1773.87	9111	-5.01	16131	61.84
1998	99636	1317.9	10247	12.47	109883	581.19
1999	200162	100.89	17130	67.17	217292	97.75
2000	104337	-47.87	7575	-55.78	111912	-48.5
2001	66732	-36.04	5859	-22.65	72591	-35.14
2002	24670	-63.03	2686	-54.16	27356	-62.31
2003	182205	638.57	8959	233.54	191164	598.8
2004	358095	96.53	18634	107.99	376729	97.07
2005	585702	63.56	19680	5.61	605382	60.69
2006	412879	-29.51	20009	1.67	432888	-28.49
2007	417264	1.06	24576	22.82	441840	2.07
2008	551041	32.06	21588	-12.15	572661	29.6
2009	577348	4.77	23904	9.6	601256	4.99
2010	710504	23.06	25984	8.7	736511	18.36

Source: Ministry of Home Affairs Govt. of India, as cited in Shah (2014),

Foreign exchange earnings were on the rise as a result of tourism and the influx of tourist, both local and foreign nationals. With the increasing militancy activities and a consequent reduction in tourism activities so was the reduction in the foreign revenue earning in the region,

there was a recorded inflow of foreign exchange of 30.56 crores in 1989 to just 2.29 crores in 1990, thus there was a decrease of 28 crores in 1990.(Ahmad, 2011)

Table 5.2 Impact of conflict on Kashmiri tourism foreign exchange earnings from 1970 to 2000

Year	Earnings in crores	Year	Earnings in crores
1970	1.31	1986	20.81
1971	1.27	1987	23.81
1972	1.49	1988	26.96
1973	1.69	1989	30.56
1974	1.61	1990	02.29
1975	2.16	1991	02.42
1976	3.70	1992	05.05
1977	5.27	1993	04.66
1978	5.77	1994	05.66
1979	5.41	1995	05.21
1980	4.47	1996	4.32
1981	11.27	1997	4.10
1982	11.04	1998	7.68
1983	10.59	1999	12.84
1984	9.39	2000	5.68
1985	9.79		

Source: - Directorate of Tourism, Jammu and Kashmir—2003, as cited in Ahmad (2011). Impact of Turmoil on Tourism of Kashmir

Employment in the Kashmir region is directly connected to the tourism industry being a high employer of labour. When the huge tourist industry of Kashmir experienced a stagnation, as

from 1989, It caused a high rate of unemployment, knowing that the valley lacked many industries and relied heavily on tourism, there was no alternative for those who suddenly had no jobs. About 1094 houseboat in Dal Lake, Nigeen Lake and river Jhelum and all those who relied on tourism were rendered almost unutilised. Hotels like the Shirawallas and other guest houses were almost desolate and running bankrupt. The unemployment triggered youth restiveness and many took to arms and violence. The table below shows the number of employment the tourism sector provided and the following table shows the impact of the collapse in the tourism sector is it impacted on the livelihood of people, causing unemployment in the region as a result of the conflict.

Table 5.3 Employment Generated by Tourism Related Units in Times of Normalcy

Name of unit	Total no. of registered units in the valley	No. of Employee s attached per unit	Total no. of Persons
Houseboats	1094	5	5470
Hotel A category	59	25	1475
Hotel B category	71	15	1065
Hotel C category	113	10	1130
Hotel D category	29	6	174
Travel Agent	202	5	1010
Guest Houses	154	8	1232
Restaurant Dhaba	306	8	2448
Tourist Guides	94	1	94
Photographers	341	1	341
Hawkers	2500	2	5000
Bathing Boats	81	1	81
Motor boats	113	1	113
Tour Operators	5276	1	5276
Pony Keepers	209	8	1672
Boat Shops	11	1	11
Ski Shops	650	1	650
Golf Professional	1	2	2
Total	11304	101	27289

Source: - Directorate of Tourism, Jammu and Kashmir—2003, as cited in Ahmad (2011). Impact of Turmoil on Tourism of Kashmir

Table 5.4 Unemployment in the Tourism Sector as a Result of Conflict

Impact of turmoil on Tourism	Houseboat owners (percentage)	Hotel owners	Shikhara owners (percentage)
Change in occupation during turmoil	70	50	40
Average level of occupancy by tourists before turmoil	80	70	70
Average level of occupancy by tourists during turmoil	5	5	10

Source: - Directorate of Tourism, Jammu and Kashmir—2003, as cited in Ahmad (2011). Impact of Turmoil on Tourism of Kashmir

Arts and entertainment was also affected. Curtains had to be dropped over all the Kashmiri cinema giant screens at the instance of the militant ban on the business. Also the Academy of Art Culture and Languages, which used to organize cultural programmes in the valley under the given condition, had to cease its operations. The bomb explosion in 1990 at Tagore hall sent shivers down the spine of artists. There is therefore a direct relationship between conflict, tourism and development in the Kashmir region.

“The relationship between conflict and development is strong and is a two-way process i.e. conflict retards development, and equally, failures in development substantially increases conflict. The Organization for Economic Co-operation and Development (OECD), in its policy statement and guidelines on conflict, peace and development in 1997, also argues that sustainable development cannot be achieved without peace and stability, and peace and security are not possible without meeting the basic needs of the people (Ahmad, 2011; Ajaz, 2014; Mahapatra, 2009).”

5.5 CONFLICT RETARDS DEVELOPMENT

The emergence and escalation of armed conflict among nations of the world have become more complex to handle, having multi-dimensional causes and impacts. Furthermore, armed conflicts retards development; stagnates economic growth, causes socio-political break down, endangers human lives and civilizations, sows' seeds of discords and threatens the chances of future developmental strides.

There is no doubting the fact that conflicts in societies are caused by multiple factors; socio-cultural, political, economic, geographic or indeed a cocktail of some or all of these. There exists an intricate relationship between development and conflict. Shekhawat (2009), argues that the relationship can be viewed from two ways; conflict retards development; and a lingering failure to sustain development therefore increases vulnerability to conflict. He describes a concomitant emergence of what he terms as a 'conflict trap' being a cycle of violence and economic break down as a result of conflict.

The stimulation and sustenance of socio-economic development is central to managing and preventing conflict. Therefore, development can be used in conflict areas as a tool to resolve conflict and not necessarily deployed in conflict free areas. Acknowledging that development contributes to building and sustaining peace and harmony, developmental processes are encouraged even in times of conflict for the following reasons.

“... to minimize the cost of the conflict; to provide means of survival to the people; to gradually defuse violent situations as, among many other things, poverty and under-development fuel violence in conflict situations; and to avoid the probability of a development vacuum in the post conflict situation to minimize the chances of conflict revival (Shekhawat, 2009).”

In the globalised worlds where politics and economics are delicately inter-twined, it is vital to view the Kashmir challenge in that perspective, in an attempt to achieve durable and sustainable peace and development. Therefore, economic development of the Kashmir region can act as a tool to discourage violence, as armed conflict and violence had already brought about great losses and stagnation.

Shekhawat (2009), argues that the evidence of retardation of development in the Kashmir region as a result of the conflict are visible in diverse ways. The drastic fall in the number of tourist visitors was occasioned by the conflicts and the fear that it instilled in the visitors. Tourism is one of the biggest industries in the Kashmir region, which provide employment and a source of livelihood for the inhabitants of the valley and the extended communities in the Kashmir state the rise of militancy saw a great decline from 600,000-700,000 in the pre-militancy days to just a hand full of thousands in the following years. It is estimated that between 1989 and 2002, there was a total loss of about 27million tourist and over US \$ 3.6 billion losses in tourism revenue.

A number of lives have been lost to violence since 1989, Large scale displacement of local inhabitants totalling about one million, and exposure of women and children to life threatening situation. Furthermore, the illiteracy rate spiked as attention to education dwindled. Poverty and unemployment became common place especially with the collapse of the tourism and craft sectors as a result of violent conflict. (Bouzas, 2012; Shah, 2014)

Table 5.5 Profile of Casualties in Kashmir from 1990 to 2011 due to Conflict

Year	Militancy Incidents	Civilians Killed	Security-forces killed	Militants killed
1990	3905	862	123	183
1991	3122	594	185	614
1992	4971	859	177	873
1993	4457	1023	216	1328
1994	4484	1012	236	1651
1995	4479	1161	297	1338
1996	4424	1333	376	1149
1997	3437	1030	355	1175
1998	2940	967	339	1045
1999	3073	937	555	1082
2000	3091	942	638	1520
2001	4536	1098	613	2020
2002	4038	1050	539	1707
2003	3401	836	384	1494
2004	2565	733	330	976
2005	1990	556	244	917
2006	1667	410	182	591
2007	1092	170	122	472
2008	708	91	79	369
2009	499	78	64	239
2010	488	47	69	232
2011	340	31	33	100

Source: Ministry of Home Affairs Govt. of India , as cites in Shah (2014), Impact of Conflict on Tourist Flow and Spatial Distribution of Tourists in Kashmir Valley

Other sources of livelihood like agriculture, horticulture and handicraft industries, were also severely affected. The conflict also encouraged the activities of smugglers who took advantage of the situation to engage in illegal timber exploration, thereby leading to deforestation and the depletion of both the forest and floral potentials of the area.

Infrastructural degradation occurred in the conflict times. Large scale destruction of properties took place. Public and private properties were damaged,

“...including gutting of hundreds of government buildings, educational buildings, hospitals, bridges, private houses and shops. Reportedly from 1989 to 2002, over 1,151 government buildings, 643 educational buildings, 11 hospitals, 337 bridges, 10729 private houses and 1,953 shops have been gutted in some 5,268 attacks on infrastructure. The enormity of economic damage due to militancy can be gauged by the fact that the estimates of damage till December 1996 were approximately INR 4 billion (Shekhawat, 2009).”

The decline of investors, both local and foreign was stagnating effect of the conflict. The poor developmental condition and economic hardship triggered more violence and the violence caused more retardation; it seemed like a continuous circle and a non-ending flow of chaos and havoc. The stimulation of economic revival in the Kashmir area represents a laudable move towards breaking the vicious circle of conflict. This represents an acknowledgement of the beauty and prosperity this region enjoyed in pre-militancy era. Prio to the violence in 1989 there was a buoyant commercial relationship between the Kashmir state and the neighbouring states, there was great trade exchange between Kashmir and China, Central Asia and Western Asia via the silk route. (Ajaz, 2014; Shekhawat, 2009)

In recent times, the ongoing peace process represents a strategic response to the age long conflict in the region. The proposed ten confidence building measures in 2003 for improving communication through people to people contact across the LOC, the cease fire, the formal truce on the 26 November 2003 between Pakistan and India, the agreement between then Indian Prime Minister Atal Behari Vajpayee and then Pakistan President Pervez Musharraf to enhance peaceful resolutions, the meeting on the side-lines of the South Asian Association for Regional

Cooperation Summit meeting in January 2004, followed by the April 2005 historic bus being rolled from Srinagar to Muzaffarabad and in October 2005 both the countries opened the LOC to facilitate relief operation. These series of attempts were intended to reverse the retardation which prolonged conflict had caused. The peace process has already started leaving marks of re-construction and development in Kashmir (BBC, 2016; Mahapatra, 2009).

India and Pakistan seemed to have realised that the need for co-operation and collaboration is indeed in their best interest, the progressive nature of the peace process is definitely a great gain for all parties. There have been skirmishes after the peace process like the Mumbai terror attack in November 2008, but the will by both India and Pakistan to sustain the peace has been remarkable.

“Both India and Pakistan have come to realize the value of living in peace, because the peace-dividends are more valuable. The Government of India also made an attempt to improve the engagement of the Kashmiri people in the peace process, by starting talks with the All Party Hurriyat Conference (Moderate). The Hurriyat then emphasized on step-by-step approach for an honourable and durable solution of the conflict and it also appealed to the separatist groups to shun violence. This is intended to promote Confidence Building Measures, strengthening relations across the LOC, enhance economic development and promote good governance (Shahid, 2007; Shekhawat, 2009).”

The sincerity by India and Pakistan needs to be expressed in more proactive manner. The manner will in turn be an effective economic reconstruction for the interest of the devastated region. Other ways of ensuring sustainable economic reconstruction and development on the Kashmir region include

“attracting private investments, collaboration with the international financial institutions, developing infrastructure and promoting industrialization, reviving the indigenous sources of livelihoods like tourism and agriculture, exploring new areas of revenue generation, revitalising the crafts industry etc. (Shahid, 2007; Shekhawat, 2009).”

A sustained and sincere development can therefore provide the right atmosphere for a reduction in violence and improvement of dialogue. The economic reconstruction and development combined with carefully managing the volatile situation will no doubt bear good developmental fruits.

5.6 ECONOMIC IMPACT ON INDIA AND PAKISTAN

This section looks into the broader economic impacts of the Kashmir conflict on Pakistan and India by discussing the direct negative consequences, the conflict has brought and also those viable economic options left unexplored as a result of the conflict. It becomes pertinent to note that the Kashmir conflict has at least three dimensions in terms of territorial impact; The Kashmir state, India and Pakistan and indeed the South Asia region. Emphasis shall be more on the two contesting nuclear power neighbours as much as references will be made to the Kashmir state on the one hand and the South Asia region on the other for the purpose of deeper clarity along the line of discourse.

Armed conflict and violence have ravaged the South Asia region which comprises of one fifth of the humanity. Many scholars consider South Asia a Dangerous place to live in as a result of these conflicts which are very difficult to resolve. The Kashmir conflict is a typical example of such conflict which has defied many scholarly recommendations in time past, causing the conflicting parties and indeed the entire region huge economic losses. The conflicting parties

of the Kashmir conflict being India and Pakistan have sunk huge amounts into militarisation as a result of the war, thereby increasing military spending instead of channelling such spending into economic growth and development.

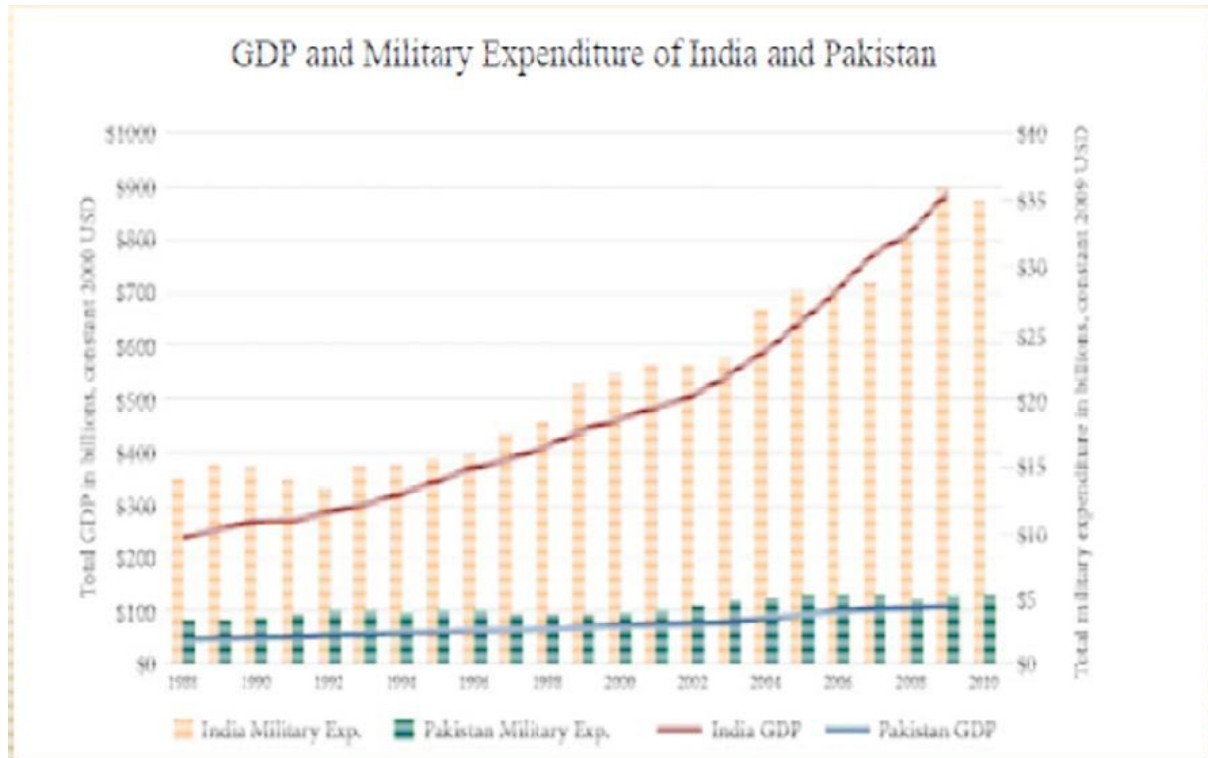
“...both the countries increased last year their military budgets by 15.7% and 21% respectively, amounting to \$6.3 billion in the case of Pakistan and \$38.6 billion in the case of India per annum. India is, in fact, now in the top fifteen military spenders in the world (Manzoor, 2014).”

India and Pakistan have been caught in the regional web of high military spending as a result of the protracted lingering conflict in the region, the Kashmir conflict being a case in point. The South Asia region (India and Pakistan included) and China spend an estimate of about \$350-400 billion on military expenditure yearly. Manzoor while explaining the International Military Balance surveys explains that in 2012, Asia made a defence spending higher than that of NATO European states for the first time. (Manzoor, 2014)

Although the defence spending of Pakistan has been relatively constant in the last two decades, one would imagine how better of human lives could have been in the country if those amounts were targeted at economic growth and development. Against the illusion of security is derivable from militarization, one would want to see security in the true sense from a human and developmental perspective, therefore holding no justification for the reckless spending on ammunitions and the likes in the face of developmental stagnation or retardation in many cases. Therefore, the increase in the defence budgets of India and Pakistan does not make Pakistan and India more secure. In fact, the reverse is true. There is need to channel more resources to neglected developmental needs of the larger society. At a regional level, European states have made gains from managing and reducing military cost, thereby embracing the concept of

collective security. These points to the fact that sincere collaboration stimulates progress, enhancing security and resolving conflicts.

Table 5.6 Comparative Outlook of India and Pakistani Military Expenditure



Source: An Introduction to Pakistan’s Military, Belfer Center for Science and International Affairs, 2011 as cited in Manzoor (2014).

The loss of human resources on both sides is a great economic waste, these same human resources which could have been transformed to assets for greater societal productivity. The desire to stuck-pile weapon and sustain a large standing army by both countries are actually avenues for loosing revenue and further starving the larger society of the needed allocation of tangible funds. One will only begin to make sense of the presence of many poor and hungry people in these countries despite the presence of vast resources, which have otherwise been miss-allocated towards militarization (Ilmas, 2004).

Dr. Mahbub ul Haq argued that in contemporary times, there is a great need to re-define the true concept of security positing that “the security reflected in the lives of the people, not in the

weapons of their countries. Human security is not a concern with weapons. It is a concern with human dignity (Mahbub, 1995) as cited in (Manzoor, 2014).”

Human development indicators do not favour India and Pakistan, being part of the larger South Asia region, being home to 4.4 billion people; approximately a quarter of the humanity lives in this part of the world.

“...According to World Bank’s estimates, about 649.6 million people in the South Asian region survive on less than \$1.25 a day and they make up 46% of the developing world’s poor. This is traceable to the impact of lingering conflict in the region and indeed conflict over Kashmir (Mahbub, 1995).”

Table 5.7 South Asian region’s Population below poverty line and HDI

Country	Total Population in 2011 (in Millions)	Population Living Below Poverty Line (in Millions), 2009 i.e. on less than \$1.25	Percentage of the Population Living Below Poverty Line	Human Development Index (HDI) Ranking, 2011
India	1241	516.4	41.6	134
Bangladesh	150.7	74.3	49.6	146
Pakistan	176.9	40.0	22.6	145
Nepal	30.5	16.8	55.1	142
Maldives	0.3	4,500	1.5	109
Bhutan	0.7	(not available)	26.2	141
Afghanistan	32.4	n.a.	n.a.	172
Sri Lanka	20.9	2.0	7.0	97

Source: Gouranga Lal Dasvarma, ‘Population And Environmental Issues In South Asia’. South Asian Survey, 2013 as cited in (Manzoor, 2014)

The extent of poverty among the citizens of the two countries especially those along the LOC are mind bugging, where sources of livelihood have been abandoned and people have been displaced from their homes and disconnected from what was once their socio-cultural essence. Hence despite the seeming regional economic growth in South Asian countries for the last two decades, illiteracy, hunger, diseases and natural catastrophes have been wide-spread in this

region, which are sufficient to make the lives of the people hell on the earth, let alone wars, proxy wars, sabotages and unabated violence, which are fast converting this region to a non-liveable habitat as was witnessed in the Kashmir multiple episodes.

The events between Pakistan and India did not help a large portion of their citizens to gain better lives. The sole aim of development is to avail an enabling environment to people, thereby giving them choices and better sense of dignity. India and Pakistan have left several public health concerns unattended while chasing militarisation and getting drawn into unending conflict. The largest HIV/AIDS affected population has been reported in India, whereas, Pakistan has been greatly affected by malaria and polio. (Habibullah, 2004; Ilmas, 2004).

“...food insecurity is yet another fault line of South Asian region. According World Food Programme Report 2012, around one billion people go hungry every day in the world; the large portion of them belongs to South Asia. The food shortage per se is not a problem at present, but the buying power of the poor is the most inhibiting factor. ... the number of malnourished children in the region as a whole rose from 283 million in 1990 to 314 million in 2005.²² The official statistics of South Asian countries indicate that 21.6 million children, aged between 5 to 14 years, are in the working class, whereas, they should be in schools. ...there is a huge unemployed young population in South Asia, which is vulnerable to negative tendencies, including crimes and terrorism (Manzoor, 2014).”

The 1990's witnessed a rise in insurgency activities in the Kashmir region, which naturally created serious investment gaps between Pakistan and India.

“Bank, private investment in India and Pakistan was about the same from 1982 to 1991. However, from 1992 to 2001, private investment in Pakistan was six percentage points lower, 75 % of this gap is attributable to the deterioration of the investment climate in

Pakistan caused by the rise of Islamist militancy in the country, and then we can deduce that this scenario alone led to a loss in growth. Stable relations with India would have brought economic and perhaps political gains to Pakistan, which would have produced a better investment climate in the country and contributed to higher levels of domestic savings and investment. Stability would have also contributed to increasing the rate of GDP growth (Shahid, 2007).”

For Pakistan and India in a rapidly globalized world, the choices are simple: continue with current approach and experience the gradual decay and entropy, or come out of the ‘security fixes’ and join hands for a better and prosperous future. Also following are potentials left unexplored by India and Pakistan because of their age long troubled relationship. Hence one can see them as impact of the conflict in itself, in view of the great benefits that could be derivable in a situation of collaboration and cooperation between the two countries.

Exploration of Natural Resources is one area India and Pakistan have not taken advantage of Kashmir is endowed with tremendous beauty, it has vast glacier reservoirs of water and boast of enormous wild life and forest endowments. In a state of peace, these potentials and untapped minerals could be harnessed for mutual gain. India and Pakistan are well known to have limited water resources. However, the Kashmir state could provide a possible solution to that challenge if properly managed The five main rivers - Indus, Jhelum, Chenab, Ravi, Sutlej and Beas - have their origin in the State of Kashmir. Due to the unending nature of Kashmir conflict, the enormous potential of water preservation and electricity generation goes wasted, although India and Pakistan are well known to have limited water resources. If the earlier stated joint water management initiative was sorted out, it will naturally culminate in a huge electricity generation potential for both countries. Such initiatives when properly articulated can attract donor/investor’s attention as a way of actualising the programmes.

However the Kashmiri people are the most hardly hit in the entire equation of conflict.

“Economic Impact of Pakistan-India Dispute on the State and People of Kashmir, have had far reaching consequences. The state and the people of Kashmir have suffered the most, due to lingering nature of the uncertainties. It is ironic that people of the very state, which is at dispute, were excluded from the debate to decide their future, when the British handed over the state to Hindu Dogra Maharaja Gulab Singh in 1846, and now in contemporary times, again they do not have the right to decide, as to how they want to spend their lives. The state’s natural beauty and serenity, ecological balance, natural resources, flora and fauna, and most importantly, the people stand tormented and ruined. The SAE Survey 2013 portrays the state of Indian Held Kashmir (IHK), in the following words: “the economic potential of Jammu and Kashmir is stunted by the political trouble, which deters investment as well as costing physical damage (Manzoor, 2014).”

The impact on lives is worthy of mentioning 40,000 lives have been lost since the onset of insurgency in 1989, though other sources estimate it higher. Another one million people were invariably displaced from their localities, there by requiring humanitarian needs. The psychiatric cases recorded in Srinagar between 2003 and 2006 stood at about 45000 patients. The conflict has also cost Indian Government heavily in terms of the deployment of security forces as well as the financial responsibilities to sustain their presence along the LOC (Ahmad, 2011; Mahapatra, 2009).

The very vast potential of tourism is greatly under-explored by the two neighbours. They would have been more productivity in the tourism sector of there an enhancement of tourists’ exchanges between Pakistan and India. This has unfortunately not been possible because of the confrontations and conflict over the Kashmir state. The vast security deployment from both

India and Pakistan has also created great strain on the ecosystem and forest resources along the LOC, knowing that wood is constantly being indiscriminately hewed by deployed standby forces as a source of fuel, causing enormous depletion of the forest resources through deforestation.

5.7 CONCLUSION

The Kashmir conflict has caused great losses, human and material losses for both countries. Being through four wars and occasional border skirmishes, the emergence of the militancy in J & K in the late 1980's introduced a whole new dimension to the turmoil that was to ravage the region for the next two decades or so. "Although the militancy started as a way of demanding for independence from India, the overall multi-dimensional cost implication was overwhelming for all conflicting parties (Ahmad, 2011)."

Among scholars, there is no consensus as to the actual estimated cost of the conflict, factoring elements like women and children vulnerability which is difficult to quantify. However, the truth remains that Kashmir conflict wrecked enormous damage on a wide range of sectors and units of the Kashmiri society; damage to infrastructure, loss of livelihood, disintegration of the social fabric of society, economic retardation and the environment degradation.

The Kashmir conflict is one of the most delicate conflicts the world has witnessed, knowing that the lingering hostilities involves two nuclear powers. However, the ongoing peace process has created an avenue for economic re-construction. This strategy employed in the Kashmir case is one which seeks to build peace through developmental initiatives rather than reserving developmental project for conflict free areas. Though the parties involved in the conflict have their own perspectives regarding the cause and course of conflict, almost all agree that the

region is in dire need of peace as well as substantial economic development. (Mahapatra, 2009; Shahid, 2007)

Pakistan's reliance on politicising Islam as reflected in its local and foreign policy posture has caused a rise in radical Islamic fundamentalists within the Pakistani Polity and the Pakistani controlled Kashmir, thereby dealing a strong blow on its socio-political structural stability. Inversely, India's reluctance to find a political solution to these disputes and her holding onto Kashmir without a concrete resolution further negates her intended outlook of a religious and ethnic diverse state. India has also suffered several attacks from Islamist militants, where such attacks have extended economic, political and developmental implications. Militant targeted The Red Fort in 2000 and the Parliament house in 2001. These attacks stimulated renewed hostilities and resentments between the two nuclear power rival countries, bringing them to the brinks of war (Ganguly, 2006; Shahid, 2007).

The economic cost of the conflict has identifiable multi-dimensional impact and not limited to a particular sector of industry or investment prospects. It has caused damage to the public infrastructure and created a disincentive for investment, thereby leaving the economy stagnated and in dire need of capital injection. It has also impacted the major sources of local livelihood such as tourism, horticulture and handicrafts industries. Furthermore, The cost of the Kashmir conflict included the impact on human lives, an estimate of over 40,000 human lives have been lost to insurgency, and over one million people have been displaced from the Kashmir region due to militant activities, there is also an increase in the vulnerable group in the region as a result of the lingering conflict; The number of psychiatric cases have been on the increase, about 45,000 psychiatric patients were recorded in Srinagar between 2003-2006 (Mahapatra, 2008).

The initiated peace process, by India and Pakistan after the Kargil crisis, is remarkable for initiating the right atmosphere and stopping the armed confrontations along the borders. These agreements were reached

“between the then Indian prime minister, Atal Behari Vajpayee, and Pakistan’s former president, Pervez Musharraf, to discuss a peace process on the side-lines of the Islamabad South Asian Association for Regional Cooperation Summit meeting in January 2004 (Mahapatra, 2009).”

In signified a readiness to begin a negotiation for peace and resolution of all bilateral concerns which necessarily included Kashmir.

“.. at an internal level, the government of India launched a major peace mission, in order to create an environment conducive to negotiations. It announced the unilateral non-initiation of combat operations in J&K on 19 November 2000 – and this initiative was extended twice, up to 26 February 2001. The broadening of democratic activities by holding state assembly elections in 2002 and 2008, which were widely recognised as free and fair, was another crucial step towards conflict transformation (Mahapatra, 2009).”

The tourism sector, with rising militancy, experienced significant setbacks. The health resorts of the valley became a shadow of itself, deteriorating in outlook. The disappearance of the enchanting, serene and scenic beauty of the health resort marked the loss of its glory days. The people who were saddled with the duty of beautification and maintenance of the resort were performing their duties. The principal concern of the government was security and quelling the fangs of militancy, and maintenance of order.

There is therefore a direct relationship between conflict, tourism and development in the Kashmir region.

“The relationship between conflict and development is strong and is a two way process i.e., conflict retards development, and equally, failures in development substantially increases conflict. The Organization for Economic Co-operation and Development (OECD), in its policy statement and guidelines on conflict, peace and development in 1997, also argues that sustainable development cannot be achieved without peace and stability, and peace and security are not possible without meeting the basic needs of the people (Ahmad, 2011; Ajaz, 2014; Mahapatra, 2009).”

Kashmir has witnessed remarkable changes; being an erstwhile princely state, being a source of contention between India and Pakistan, suffering from immense human and material, being a battle line in four wars between India and Pakistan, being the object of border skirmishes, and recently attempts are restoring development and stability in this region. There is a general realisation that peace and development in Kashmir can be achievable with the participation of all parties. Kashmir can become a zone of peace and development, with the participation of all parties involved in the conflict. The remarkable aspect of the Kashmir peace process is that it creates an opportunity to bring peace by means of development to the region, instead of waiting for the conflict to be resolved fully. The peaceful space provided by the recent thaw between India and Pakistan can be used to promote development

This sincerity by India and Pakistan needs to be expressed in more proactive manner of effective economic reconstruction of the devastated region. Other ways of ensuring sustainable economic reconstruction and development on the Kashmir region include attracting private investments, collaboration with the international financial institutions, developing infrastructure and promoting industrialization, reviving the indigenous sources of livelihoods like tourism and

agriculture, exploring new areas of revenue generation, revitalising the crafts industry etc. A sustained and sincere development can therefore provide the right atmosphere for a reduction in violence and improvement of dialogue.

CHAPTER SIX

A CASE FOR CREATION OF KASHMIR(YAT) STATE

6.1 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.

In the final section of this chapter, I focused fairly narrowly on Kashmir rights to self-determination as supported by the United Nations and even Pakistan to a considerable extent. Thus I make the case for the creation of a Kashmiri state as a means towards peace and sustainable development in the South East Asian region and for the principal actors in the conflict.

“The United Nations determined many years ago that the Kashmiri people have the right to self-determination and set up a plan for realizing this right and resolving what was then a political and military crisis between India and Pakistan over the disposition of Kashmir.

However, this plan has not able to be implemented and the Kashmiri right to self-determine is as yet unrealized. India and Pakistan have continued to fight over Kashmir - a fight that has generated several wars and many military skirmishes between them. Kashmir situation continues to haunt the world, especially now that both India and Pakistan have developed nuclear weapons capability. The Kashmiri people continue to suffer from serious human rights and humanitarian law violations in the course of India's military actions against them" (Singh, 2011).

Most importantly, this chapter presents arguments that seeks to have the right to self-determination re-enter into the discussion about Kashmir, and ultimately to have it restored as the cornerstone to peace and development to South East Asia. The chapter also provides a conceptual definition of the right to self-determination particularly from the United Nations perspective. It then applies the United Nations declared right of self-determination to Kashmir. This is achieved by outlining United Nations action on Kashmiri self-determination and then by applying the components of the right to Kashmir. The chapter provides the platform for the thesis to conclude with some observations regarding resolving the Kashmir crisis. The central of this is the inevitable position that the realization of the right to self-determination will bring to fore in realizing peace and development for the region as a whole and to the parties involved in the crisis.

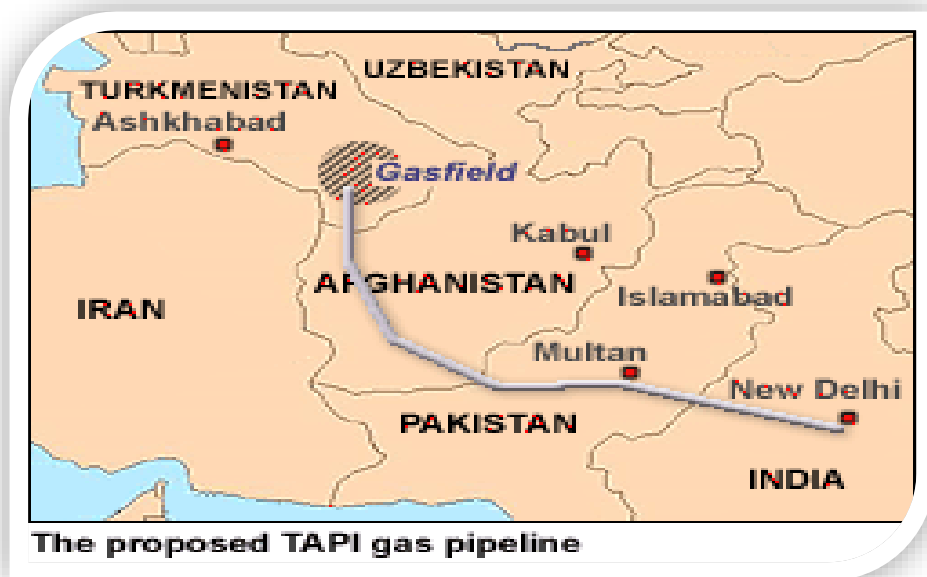
6.2 BILATERAL RELATIONS AND FAILED PROSPECT FOR LASTING SOLUTIONS

6.2.1 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 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).

6.2.2 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 centers 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.

6.2.3 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 behavior. 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 realizing 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 destabilize 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 arm 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)⁴³ 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

⁴³ 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.

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 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-centers 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).

6.2.4 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’.⁴⁴

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

⁴⁴ 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.

is often overlooked as among the key factors that divide society. 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.⁴⁵

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.

To begin his argument, Huntington (1996) refutes past paradigms that have been ineffective in explaining or predicting the reality of the global political order. "We need a map," "that both portrays reality and simplifies reality in a way that best serves our purposes" Huntington (1996: 31). Huntington develops a new civilization paradigm to create a new understanding of the post-Cold War order, and to fill the gaps of the already existing paradigms. To begin with, Huntington divides the world into eight major civilizations:

1. *Sinic*: the common culture of China and Chinese communities in Southeast Asia. Includes Vietnam and Korea.
2. *Japanese*: Japanese culture as distinctively different from the rest of Asia.
3. *Hindu*: identified as the core Indian civilization.

⁴⁵ 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.

4. *Islamic*: Originating on the Arabian Peninsula, spread across North Africa, Iberian Peninsula and Central Asia. Arab, Turkic, Persian and Malay are among the many distinct subdivisions within Islam.
5. *Orthodox*: centered in Russia. Separate from Western Christendom.
6. *Western*: centered in Europe and North America.
7. *Latin American*: Central and South American countries with a past of a corporatist, authoritarian culture. Majority of countries are of a Catholic majority.
8. *Africa*: while the continent lacks a sense of a Pan-African identity, Huntington claims that Africans are also increasingly developing a sense of African Identity.

Following the explanations of the separate civilizations in the new paradigm, Huntington describes the relations among civilizations by recognizing that clashes between civilizations will occur on the basis of religious and border related disputes, especially between Muslim and non-Muslim groups. The India and Pakistan case fits well into this analogy – Hindu versus Islam. The Clash of Civilizations is a hypothesis that people's cultural and religious identities will be the primary source of conflict in the post-Cold War world. Although, Huntington (1996) argued that future wars would be fought not between countries, but between cultures, and that Islamic extremism would become the biggest threat to world peace. Indeed, religion in this case has impacted on decisions and non-concessional stance on the part of India and Pakistan with regards to Kashmir.

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

‘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.

6.3 KASHMIRI(YAT): THE UNITED NATIONS SELF DETERMINATION CLAUSE⁴⁶

Recent, the principal groups fighting in Kashmir included the Hizb-ul Mujahidin, Harakat-ul Ansar and the Lashgar-i Toiba. Though the latter two, in particular, are reported to be populated by large number of non-Kashmiris, they nonetheless favour independent Kashmire at the extreme or at least in the immediate favour accession to Pakistan. The pro-independent Jammu and Kashmir Liberation Front (JKLF) that was at the forefront of campaign for an independent Kashmir though declared a cease-fire in 1994, the yearning for a Kashmiri state wherein the Kashmiriyat nation will flourish as an independent state. The rationale for the ceasefire was probably as a result of the complex and continuous contraction of the conflict, as Awosemo puts it,

“Militants operating in the region have reportedly been armed and trained by Pakistan. Their weapons of choice are assault rifles, light machine guns, revolvers, and landmines. The parties in this conflict are also confirmed to have sophisticated night-vision and wireless communication equipment. Islamabad through authorized channel has continued to deny involvement in arming and training Kashmiri insurgents, but the claim is generally not considered credible. On the Indian side, the Indian Army and India's federal security forces, the Central Reserve Police Force (CRPF), and the Border Security Force (BSF) are operating in Kashmir. The role of the regular forces in the region was broadened into counterinsurgency operations in 1993. The Rashtriya Rifles, an elite army unit created specifically for this kind of operation were in charge of Doda, Rajouri and Punch. About 400,000 army troops and other federal security forces were deployed in the valley, including those

⁴⁶ This section is heavily indebted to the contribution from a paper prepared for The International Kashmir Peace Conference: Beyond the Blame Game. On 24 July 2003 for the United States House of Representatives Cannon House Office Building, Room 345. By Karen Parker, and titled The Right to Self-determination of the Kashmiri People

positioned along the Line of Control. The local Jammu and Kashmir police are excluded from counterinsurgency operations, due to the widely held belief that they are sympathetic to the insurgency. In order to address this challenge, the Special Task Force (STF) and the Special Operations Group (SOG), counterinsurgency divisions of the Police populated by non-Muslim non-Kashmiri recruits, including some former militants, were created to change the notion that residents of the region were against counterinsurgency. They frequently operate alongside the Rashtriya Rifles. In the last twenty years, Indian security forces have armed and trained local auxiliary forces like Ikhwan-ul Muslimoon and Muslim Mujahidin, made up of surrendered or captured militants to assist in counterinsurgency operations. They operate outside of the normal command structure of the Indian army and other security forces, but are considered state agents under international law. They are involved in joint patrols, receive and carry out orders given by security officers, and operate in full view of army and security force bunkers and camps. Some members of these groups are even housed in military compounds” (Awosemo 2016).

According to Nathalie Reynolds (2016),

“The Kashmir conflict has various dimensions that taken together explain the difficulty of putting forward a settlement that would satisfy the two parties. There is no question that both countries have instrumentalised Kashmir in order to consolidate their respective nation-state – when many had doubts as to their durability”.

Though the issue of longevity is now settled in years of post-independence, Kashmir's natural resource which is fresh water reserves portend great value if the dispute between Islamabad and New Delhi over the construction of a dam is anything to go by (Awosemo 2016).

“The United Nations determined many years ago that the Kashmiri people have the right to self-determination and set up a plan for realizing this right and resolving what was then a political and military crisis between India and Pakistan over the disposition of Kashmir. However, this plan has not able to be implemented and the Kashmiri right to self-determine is as yet unrealized. India and Pakistan have continued to fight over Kashmir -- a fight that has generated several wars and many military skirmishes between them. Kashmir situation continues to haunt the world, especially now that both India and Pakistan have developed nuclear weapons capability. The Kashmiri people continue to suffer from serious human rights and humanitarian law violations in the course of India’s military actions against them. Unfortunately, review of the current situation of the Kashmiri peoples’ right to self-determination shows it reduced to political rhetoric or even absent from discussion. However, ignoring the right cannot annul it. Further, it should be patently obvious that the crisis in and over Kashmir will not be resolved without renewed acknowledgment and international commitment the realization of the right to self-determination of the Kashmiri people. Then and only then can a peace plan go forward that has potential to succeed” (Parker 2001).⁴⁷

6.3.1 Defining the Right to Self-determination

The right to self-determination is an individual and collective right of a people to “freely determine ...political status and [to] freely pursue ... economic, social and cultural development” (Parker and Neylon 1989; Critescu 1980; Gros Espiell 1980).⁴⁸ The right to self-

⁴⁷The focus of this section is on the “Kashmiri right to self-determination in relation to India. This is because of the long armed conflict in the Indian-occupied portions of Jammu and Kashmir and a very disturbing pattern of gross violations of human rights and grave breaches of the Geneva Conventions and customary humanitarian law there that is not occurring in Azad Kashmir (Pakistani-controlled Kashmir). Further, as will be seen below, the government of Pakistan supports implementing the United Nations resolutions calling for a plebiscite of the Kashmiri people while India does not. However, this is not meant to indicate that the Kashmiri people do not have a right to self-determination in relation to Pakistan”.

⁴⁸ See also International Covenant on Civil and Political Rights (ICCPR), 999 U.N.T.S. 171, Art.1; International Covenant on Economic, Social and Cultural Rights (ICESCR), 999 U.N.T.S. 3, Art. 1.

determination is a fundamental principle of human rights law indeed.⁴⁹ It is important to make clear conceptually and historically that the said principle of self-determination is connected or traced to the de-colonization process which came to place immediately after the promulgation of the United Nations Charter in 1945. Therefore, the obligation to respect the principle of self-determination is a prominent feature of the Charter that established the United Nations itself, which, *inter alia*, appears in the Preamble to the Charter and in Article 1 of the United Nations as an entity in itself.

Parker (2003) succinctly convey that

“The International Court of Justice refers to the right to self-determination as a right held by a people rather than a right held by governments alone.⁵⁰ The two important United Nations studies on the right to self-determination set out factors of a people that give rise to its possession of the right to self-determination: a history of independence or self-rule in an identifiable territory, a distinct culture, and a will and capability to regain self-governance⁵¹.....The right to self-determination is indisputably a norm of *jus cogens*.⁵² *Jus cogens* norms are the highest rules of international law and must be strictly obeyed at all times. Both the International Court of Justice and the Inter-American Commission

⁴⁹ According to the Universal Declaration of Human Rights "the will of the people shall be the basis of the authority of government." See Universal Declaration of Human Rights, G.A. Res. 217A (III)(1948), Art. 21; ICCPR, Art. 1; ICESCR, Art. 1.

⁵⁰Western Sahara Case, 1975 International Court of Justice 12, 31.

⁵¹Critescu defines "people" as denoting a "social entity possessing a clear identity and its own characteristics" (op. cit. at p. 41) and implying a "relationship to territory" (id.).

⁵²Gros Espiell, H. op. cit. at p. 12:"[N]o one can challenge the fact that, in light of contemporary international realities, the principle of self-determination necessarily possesses the character of *jus cogens*." "Gros Espiell cites numerous references in United Nations documents referring to the right to self-determination as *jus cogens*. Id., at pp. 11-13. See also Legal Consequences for States of the Continued Presence of South Africa in Namibia (S.W.Africa) 1971 International Court of Justice 16, 89-90 (Ammoun, J., separate opinion)(recognizes *jus cogens* nature of self-determination); Brownlie, I. 1979. Principles of Public International Law. Oxford: Oxford University Press. (3d ed.) argues that combatants fighting for realization of self-determination should be granted a higher status under armed conflict law due to application of *jus cogens* to the principle of self-determination); See also Karen Parker & Lyn Neylon, op. cit. at 440-41 (discusses, with many references, self-determination as *jus cogens* right)".

on Human Rights of the Organization of American States have ruled on cases in a way that supports the view that the principle of self-determination also has the legal status of erga omnes.⁵³ The term “erga omnes” means “flowing to all.” Accordingly, erga omnes obligations of a State are owed to the international community as a whole: when a principle achieves the status of erga omnes the rest of the international community is under a mandatory duty to respect it in all circumstances in their relations with each other”.

6.3.2 Making the Case for the Kashmiri Right to Self-determination⁵⁴

United Nations and Kashmiri Self-determination - The UN had shown interest in the situation of Kashmir since 1947-1948 while the process of the de-colonization of the British Empire in South Asia was peak.⁵⁵ As earlier noted in previous chapters, the leaders of both India and Pakistan had agreed with the British to the fact that the Kashmiri nationals would decide their own fate. In fact, the Indian Prime Minister, Nehru went on record and publicly so declaring this agreement and how the Kashmir people would decide their own disposition.⁵⁶

⁵³ “While not using the precise term as it did in an earlier case (Barcelona Traction, Light and Power Co. (Belg. v. Spain) 1970 International Court of Justice 3, 32), many consider the language of the Nicaragua Case reflective of both a jus cogens and erga omnes duty to respect the principle of self-determination. See The Nicaragua Case (Nicar. v. United States) 1986 International Court of Justice 14. The Inter-American Commission was explicit regarding the erga omnes duties of all states to guarantee civil and political rights. Inter-American Commission on Human Rights, Organization of American States, Press Communique no. 13/93 (May 25, 1993)”.

⁵⁴ See Karen Parker, *The Kashmiri War: Human Rights and Humanitarian Law*, (IED/HLP 1996).

⁵⁵The “United Nations established a mandate for de-colonization in the Charter itself, especially in Article 1.2 that provides for respect for the principle of self-determination. This is reinforced by the requirements of the trusteeship system in which governing powers must promote the development towards self-government and independence of the affected peoples. See, U.N. charter, Article 76. The principle of self-determination arises in the de-colonization process because in a colonial regime the people of the area are not in control of their own governance. In these situations, there is another, illegitimate sovereign exercising control. De-colonization, then, can be viewed as a remedy to address the legal need to remove that illegitimate power. As a result of the de-colonization mandate, two types of situations emerged: situations I call “perfect de-colonization” and those that I call *imperfect de-colonization*. The situation in Kashmir is an “imperfect de-colonization” because the Kashmiri people did not achieve full sovereignty and were unable legally to express their wishes regarding sovereignty”.

⁵⁶For instance, on the 3rd of November in 1947 radio broadcast, Mr. Nehru noted that: “We have declared that the fate of Kashmir is ultimately to be decided by its people. That pledge we give not only to the people of Kashmir but to the world. We will not and cannot back out of it” (Parker 2012)

“Due to a great deal of turmoil in the area, including a full-fledged revolt in Kashmir against the British-imposed maharajah, the United Nations began formally to address Kashmir in 1948. That year, the Security Council established the United Nations Commission on India and Pakistan, which, in addition to the Security Council itself, adopted resolutions declaring that the final disposition of Kashmir was to be via a plebiscite of the Kashmiri people carried out under the auspices of the United Nations.

To carry out the plebiscite, the Security Council appointed a Plebiscite Administrator”.⁵⁷

Indeed, the Nehru government had backed up the agreement that the Kashmiri people would decide what the future of Kashmir should be by indicating to the UN that it favours the different United Nations resolutions on the matter on the condition of a plan for a plebiscite under the auspices and supervision of the UN. For instance, on January the 5th of 1949, India agreed to a Commission resolution that “The question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite”.⁵⁸

“However, before such a plebiscite could take place, the armed forces of India seized much of Kashmir under the pretext of coming to aid the British-maharajah who was attempting to quell the Kashmiri’s revolt against him. India charged that the Kashmiri people were being aided by the armed forces of Pakistan. The maharajah obtained India’s military help in exchange for an Instrument of Accession giving Kashmir to India.”⁵⁹ The

⁵⁷See Security Council resolutions 39 (1948), 47 (1948), 80 (1950), 91 (1951) and 96 (1951); Security Council resolution 80/1950. “The first Plebiscite Administrator was Admiral Chester Nimitz (United States). He was succeeded by General McNaughten (Canada, who incidently was the Security Council president in 1950 who attempted to work out a plan, called *Demilitarization Preparatory to the Plebiscite* usually referred to as the McNaughten Proposal). Subsequent Plebiscite Administrators were Owen Dixon (Australia), Frank Graham (United States) and Gunnar Jarring (Sweden)” (Parker 2012).

⁵⁸Resolution of the United Nations Commission for India and Pakistan, adopted on 5 January 1949, reprinted in UN Doc. S/1196 of 10 January 1949.

⁵⁹ “An interesting side note to this involves this Instrument of Accession, supposedly signed by the Maharajah Hari Singh and Lord Mountbatten, and rumoured to be missing from the Indian state archives. News reports indicate that the United States, other western and some Arab states wished to view the text because of serious

United Nations process focused on trying to defuse these armed confrontations, by implementing a cease fire, by then establishing a truce and a military withdrawal, and finally to carry out the plebiscite. Admiral Chester Nimitz (United States) was named arbitrator of the truce plan. The cease- fire took effect on January 1, 1949, and the Security Council immediately established the United Nations Military Group for India and Pakistan (UNMGIP) along the cease-fire line (now referred to as the “line of control” or the “LOC”) which is still in place today. India refused to accept arbitration over the truce plan in spite of strong pressure from United States President Truman and United Kingdom Prime Minister Atlee, and to date the truce plan has not been accepted” (Parker 2012).

Starting from the 1950 it became evidenced that India’s position is now changed on the disposition of Kashmir as determinant of its future. But rather, India now considered that the portion of Kashmir it occupied militarily was now going to be a part of India. To this date, this has remained the reality on the ground and now known as the Indian-occupied Kashmir. To justify its position, India claims that from the outcome of elections it organizes in this area, shows that the will of the Kashmiri people there is to remain a part of India. However,

“The United Nations Security Council has repeatedly rejected this argument, and has stated in resolutions on this point that such unilaterally arranged elections do not constitute the free exercise of the will of the Kashmiri people: only a plebiscite carried out by the United Nations would be valid.⁶⁰ Unfortunately, international affairs over-took

questions of its validity, but that the document could not be produced. See, for example, “Instrument of Accession to India missing from state archives”, PTI News (New Delhi), 1 September 1995”.

⁶⁰ See Security Council resolution 122 of 24 January 1957. “India had claimed that the Kashmiri people accepted secession to India because a Kashmiri Constituent Assembly approved it in 1956. However, that assembly was chosen by India and does not meet requirements of a plebiscite as expressed in Security Council resolution 122”. As states Rapporteur Gros Espiell: “A people under colonial and alien domination is unable to express its will freely in a consultation, plebiscite or referendum organized exclusively by the colonial and alien power.”

United Nations action regarding Kashmir and the holding of the plebiscite. By the mid-1950s, the Cold War deepened and the alliances in the region fell under different spheres of influence in that Cold War. The United Nations Security Council and the Commission maintained the plebiscite administration under the authority of the president of the Security Council, and both directly with the President of the Security Council and the Commission on India and Pakistan, the Plebiscite Administrators were unable to secure a situation on the ground so that a plebiscite could take place. The last plebiscite administrator finished his term somewhere between 1955-1956 and a new one was not appointed. Components of the Kashmiri Right to Self-determination - Even without the United Nations recognition of the Kashmiri's right to self-determination, the Kashmir claim under the traditional test set out above: (1) a definable territory with a history of independence or self-governance; (2) a distinct culture; and (3) the will and capability to restore self-governance. The area had a long history of self-governance pre-dating the colonial period⁶¹ ... In this regard it is revealing that under British colonial rule, Kashmir was granted internal autonomy. The territory of Kashmir has been clearly defined for centuries⁶² ... Regarding cultural uniqueness, the Kashmiri people speak Kashmiri, which, while enjoying Sanskrit as a root language as do all Indo-European languages, is clearly a separate language from either Hindi or other languages spoken in India or Urdu or other languages spoken in Pakistan⁶³ ... The Kashmiri culture is similarly distinct from other cultures in the area in all respects -- folklore, dress, traditions, and cuisine. Even every day artifacts such as cooking pots, jewelry have the unique Kashmiri style⁶⁴ ...

⁶¹Kashmir successfully regained independence when overrun by Alexander's Empire in the 3rd century B.C. and the Moghul Empire of the 16th and 17th centuries.

⁶²Historic Kashmir comprises about 84,000 square miles, making it somewhat larger than the United Kingdom. Its current population is about 12 million.

⁶³Spoken Kashmiri also draws on the Persian and Arabic languages. Written Kashmiri uses a variation of Urdu script.

⁶⁴ "Even fabrics, embroidery and carpets have uniquely Kashmiri designs. My organization's delegates to the area report that recognition of the distinct culture of Kashmir is unanimous in India. Unfortunately, this

Most important to a claim to self-determination, the Kashmiri people have had a continuing and at present have a current strong common aspiration for re-establishment of self-rule. The Kashmiri people resisted the British, and maintained autonomy throughout British rule. In 1931 the Kashmiri people and their leadership formed the *Quit Kashmir* movement against the British and the British-supported maharajah that was, unfortunately, brutally put down. But the "Quit Kashmir" campaign against the maharajah continued into 1946, when it reconstituted itself into the Azad (Free) Kashmir movement. As discussed above, during the breakup of British India, the Azad Kashmir military forces began armed attacks against the forces of the maharajah -- prompting the accession to India in exchange for Indian military protection.⁶⁵ Resistance to Indian occupation has continued unabated throughout Indian occupation, with major uprisings in 1953, 1964 and continuing essentially unabated since 1988" (Parker 2012).

It is important to note that while resistance to Indian occupation continues to play a significant role in Kashmiri issues, "there is also forward-looking political leadership with a clear will and capability to carry on the governance of an independent Kashmir. There are a number of political parties in both Indian-occupied Kashmir and Azad Kashmir that have been active for some time, even though at great risk" (Parker 2012). Most if not all the leaders of these so called parties have spent some jail times in India. In fact, some spent several years there, mostly because of their stances and views politically on the issues of Kashmir. By the year 1993, the

recognition is in the negative in that every-day Indians show great prejudice against anything Kashmiri. Our delegates confirm the Indian mind-set that Kashmiri people, their culture, cuisine, indeed everything about Kashmiris is inferior. But in these displays, they clearly indicate that Kashmiri is not Indian" (Parker 2012).

⁶⁵ "Kashmiri self-determination is also defended by the principle that the determination of the political future of a colonized people made either by the colonial power itself or a *ruler* established by the colonial power is repugnant to the process of de-colonization and the principle of self-determination. I would challenge the legitimacy of an instrument of accession of Kashmir to India if in fact one were to be found. This rejection of *determination by colonial power* seems to be the guiding principle of the Security Council in its dealing with Kashmir. It is also clearly behind the fact that the government of Spain sought advice from the International Court of Justice on the question of to whom should Spain hand over power when they left the Spanish Sahara". See The Western Sahara Case, 1975 Int'l Court of Justice 12.

most part of the Kashmiri political parties in the territories occupied by India formed a coalition now known as the All- Parties Hurriyet Conference (APHC). Since the party was formed, “the APHC has sent leaders around Kashmir and around the world to forward dialogue, peaceful resolution of the Kashmiri war, and realization of the United Nations resolutions for a plebiscite of the Kashmiri people” Parker 2012).

6.4 Socio-Economic and Developmental Ramification of the Conflict on Kashmir⁶⁶

Kashmir was never gripped by abject poverty as rest of India, which it owes to the effective land reforms implemented by Sheikh Abdullah, during his term as Prime Minister. However, what needs to be highlighted is that today Kashmir’s economy is growing at a slow rate and a prolonged state might eventually lead to an economic stagnation. The Economic Survey of Kashmir recently tabled in the parliament by the Finance Minister Haseeb Drabu draws some interesting inferences.

“While the decade from 2002-03 to 2012-13, India’s GDP grew to 112%, Kashmir’s GDP grew 73%, which means the ratio of fall in GDP of Kashmir to India is by 18%. The report further says that presently Kashmir had grown even poorer than India. From the figures one can conclude that Kashmir today is not only under the grip of sustained political conflict but also as a result is fast becoming a dwindling economy” (Malik 2015).

Within the prism of one’s mind, one is able to Map the nature of relationship between conflict and development vis-à-vis Kashmir. This then helps situate or contextualize how to address questions like “what would development stand for in a conflict zone? What impact does the

⁶⁶ This section is heavily reliant on the arguments by Malik, U. (14 November, 2015) Development or Identity in Kashmir? Available at <http://www.countercurrents.org/malik141115.htm> accessed 27 November 2016

politics of the place have on its economy? One way to explore the relation would be to say that conflict holds back the development of the place. And the other would be to argue that a failure to offer development escalates conflict. This is what is referred to as *Conflict Trap* (Malik 2015)”. In following a simple argument from these lines of questions from Kashmir, one tends to adopt the proposition that if Kashmir witnesses more economic development particularly induced by the occupier, India or Pakistan, the better would the chances of it being integrated within the occupier’s Territory.

It becomes important to state that while holding on to the idea of Azadi, the Kashmir also do not want to integrate with Pakistan as before, making the case for an independent Kashmir more solid. Though Kashmir shares similar religion with Pakistan unlike India which is Hindu, it was not strong enough to hold them together with Pakistan.

6.5 Consequences of Failure to realize the Kashmiri Right to Self-Determination

The residents and nationals of Kashmir suffer most from the unresolved conflict in South Asia. Over a century ago, Kashmiri’s were excluded from the debate and the process that led to what became their future - the British hand over the state to Dogra Maharaja Gulab Singh in 1846. In contemporary times and today, it seems Kashmiris still do not have a say about their future. A cursory look at the deplorable State of Kashmir, due largely to the persistent conflict.

Presently, the yearnings and disposition of Kashmir remains the same, as it has not been legally decided. It is not an integral part of India, Pakistan or any other country for that matter, at least ideally. As Karen Parker (2012) would argue, it is

“...rather, it is a victim of an imperfect de-colonization that, to date, has not led to the realization of the expression of self-determination of the Kashmir people. For all this time the Kashmiri people in the Indian-occupied area are involved in an occupation and,

for the past thirteen years a brutal war -- the Kashmiri War – in which 5-700,000 Indian troops are present in the area carrying out military actions against civilians and Kashmiri military forces alike. In the course of that armed conflict, the Indian forces have engaged in grave breaches of the Geneva Conventions and the general laws and customs of war. Violations of the rights of POW's, rapes, disappearances, summary execution, torture and disappearances related to the conflict are nearly every-day events in Indian – occupied Kashmir. The right to self-determination has been trampled on in “terrorist/counter-terrorist” rhetoric, burdened by military operations across the LOC, and buried as the world's attention focuses elsewhere”.

In summary, the Kashmiriyat nation continues to confront various attempts to “militarily obliterate their valid self-determination claim while at the same time equating Kashmiri resistance and Indian military operations as *terrorism/counter-terrorism*” (Parker 2012).⁶⁷ Calls for application of the Geneva Conventions and other instruments and rules of the law of armed conflict are non-existent.

The consequence also noticeable is the fact that people and States are intimidated from supporting the right legal position concerning the current legal status of Kashmir and the application of humanitarian law. Many of the States “are in open violation of their jus cogens and erga omnes obligations to defend the right of the self-determination of the Kashmiri people as well as their obligations under the Geneva Conventions” (Parker 2012). Sadly, there is currently no action at the Security Council of the UN to reinstate the position of Plebiscite Administrator and also undertaking an establishment of conditions in which the plebiscite can come to fruition. Lastly, “not enough people know sufficiently both the law of self-

⁶⁷This, of course, “leads to *terrorist or freedom fighter* debate. The controversy over Kashmir is one of the main reasons that the international community has failed to agree to a legal definition of terrorism: India wants terrorism defined in a way that will obliterate Kashmiri self-determination and Pakistan want it defined in a way that leaves intact the right to self-determination” (Parker 2012).

determination and the law of armed conflict to properly redirect the dialogue” (Parker 2012). This adds to the vulnerable situation of not only Kashmir people, but also non-Kashmiri defenders of self-determination.

It is hoped that this thesis provokes further debate on the appropriateness of the suggestion of creating a Kashmir state as a solution to security, instability and underdevelopment in South Asia.

6.6 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 includes 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 bypass Pakistan in the future.

The Kashmir Conflict indeed poses strong concerns for both India, Pakistan, Kashmir and South Asia as a whole, “it is very important to find a resolution for the conflict. One way to explore a

solution to the problem is to consider self-determination for those live in Kashmir (Sehgal 2011).”

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. The next chapter also provides an advice on the consequence of a failed realization of a Kashmiri state.

CHAPTER SEVEN

CONCLUSION & RECOMMENDATION

7.1 CONCLUSION

“If there is a constant element in India-Pakistan relations, it is the unpredictability of events. This unpredictability emerges from unresolved border issues, aggressive military postures, and escalation risks. Notwithstanding persistent hostility, both states seem to have learned, at least in some measure, to work around capricious developments in recent years. However, strategic competition in South Asia will always be a reality” (Noor 2016).

So it seems as a cursory look at the happenings there shows no signs of permanent resolution in the near-term, the Indian-Pakistan rivalry over Kashmir has persisted for more than half a century, except with the creation of an Independent Kashmir State. 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 makes 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. Though it may appear that the economic and military might of India in the region makes it seem 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). It however instructive to note that this will not ensure peace or development for the parties except the idea of an independent state for Kashmir is allowed to flourish.

A plebiscite or referendum in Kashmir for its independence should therefore be on the table as a viable option towards resolving the conflict and despite India’s staunch opposition to it. Both

India and Pakistan will need to support the option of granting independence to Kashmir as it is in actual fact not against their national and strategic interests. The other viable option at the current contextual condition is to convert the LoC as an international border with some border adjustments favourable to Pakistan. The problem with this lopsided favourable option in favour of Pakistan is that it has the potential to become another source of conflict as well as the problem of having international presence in their midst. Another suggestion is for both countries to 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.

To further build peace and trust between India and Pakistan especially after the Mumbai attack, they need to resume the Composite Dialogue. The Dialogue must have in its agenda - the option for an independent Kashmir state. 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.

This study has highlighted the key themes and dimensions shaping the Kashmir conflict. It has 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, it shows 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. The study therefore concludes along the lines of the neorealist 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, it 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. The alternative to this is the creation of an independent Kashmir state.

7.2 RECOMMENDATION

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 remains among potential solutions. At least three options should be on the proposal, and the case for the recommendations are fluidly presented in bullets throughout this section.

- The parties should consider the division of Kashmir according to religion;
- vote for independence of Kashmir
- Turn the LoC into a formal border separating India and Pakistan.

Of these three, the vote for independence of Kashmir seems best. Since Jammu and Ludakh 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 and 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. 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 an also tense relation 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.

- The best option is therefore to set in motion a process for Kashmir become a sovereign and independent state.⁶⁸

⁶⁸For 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.

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. Economically, Kashmir will find it hard not to depend upon external aid and thus will not be truly independent. Some have argued against this ‘...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). Nonetheless, it is the most viable option for a long term solution as long as the Kashmir issue rests on the bilateral decision and conduct of India and Pakistan together, and not just externally forced.

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. For talks to be successful, they must:

- Stop undermining diplomatic efforts especially composite dialogue which is constantly characterised by bloody incidents around the LoC
- Consider the possibility of a regional body, perhaps the Arab League and/or representatives of all religious factions accompanied by
- UN observers, who in-turn will must take religion into account and act neutrally to help them decide on how best to turn the LoC into a formal border, and ultimately create an Independent Kashmir State.

Incidentally, the year (2017) marks the fifty-third anniversary of the Dr. Strangelove movie, which was released in 1964 and Eric Schlosser’s (2014) piece in 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. Eleven years have passed since the Composite Dialogue between the two countries and still, the CBMs remain an *ad hoc* procedure emanating from crises.

Conclusively, restoration of the right to self-determination to its proper status in discussions and actions to resolve the crisis and achieve a final disposition of Kashmir will not be easy, but there is no alternative: without the Kashmiri people deciding for themselves as promised by the United Nations this crisis will continue ad infinitum. As a minimum, both India and Pakistan would have to abandon any permanent claim to Kashmir and allow the Kashmiri people to make their choice -- politically difficult for both India and Pakistan and perhaps for the Kashmiri people themselves.⁶⁹ For this to occur at all, the international community must return to the

⁶⁹This “does not address the issue of what choices will be given to the Kashmiri people in the plebiscite and what would happen with a “divided” result. These in themselves will most likely be contentious issues for all involved. As the plebiscite will be administered by the United Nations and with full respect for the right to self-determination, the choices would have to be in concert with international law and the right to self-determination. How to address the outcome of the plebiscite must await having it in the first place” (Parker 2012).

original plan with firm resolve and active leadership. Discussions should focus on how to establish conditions for the plebiscite and then on actually organizing it. At all stages the Kashmiri people and their leadership should be involved.

APPENDICES

APPENDIX 1 - ACCESSION DOCUMENT

INSTRUMENT OF ACCESSION OF... *J.A.M.S. 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, *Shri Maharaja Rajahmudra Narayana Varma* the Ruler of *J.A.M.S. AND KASHMIR STATE* in the exercise of my sovereignty in and over my said State do hereby execute this my Instrument of Accession and

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 *J.A.M.S. 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").

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.

*Jammu Kashmir
Kashmir State
Tibet side
Deshulajpali*

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.

[Signature]
Maharaja Shri of Jammu and Kashmir State
1947

I do hereby accept this Instrument of Accession.

Dated this 26th day of ~~August~~ ^{OCTOBER} Nineteen hundred and forty seven.

[Signature]
(Governor-General of India)

THE WHITE HOUSE
WASHINGTON

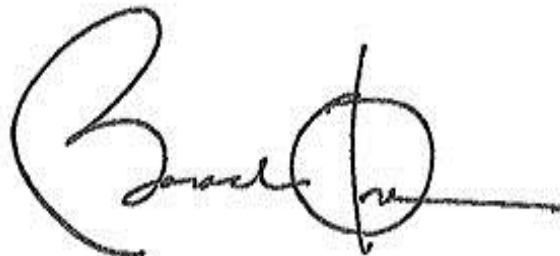
September 28, 2012

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", written in a cursive style. The signature is positioned below the word "Sincerely,".

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 Samjhautha 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

Prepared by
The Information Department

RIIA

February 1956 Price 2s.6d net

Distributed for the
ROYAL INSTITUTE OF INTERNATIONAL AFFAIRS
by the
OXFORD UNIVERSITY PRESS

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,^{2/} 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 Paktoonistan 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 November^{1/} 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 said^{2/} 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

APPENDIX 6 - LAHORE DECLARATION DOCUMENT

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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