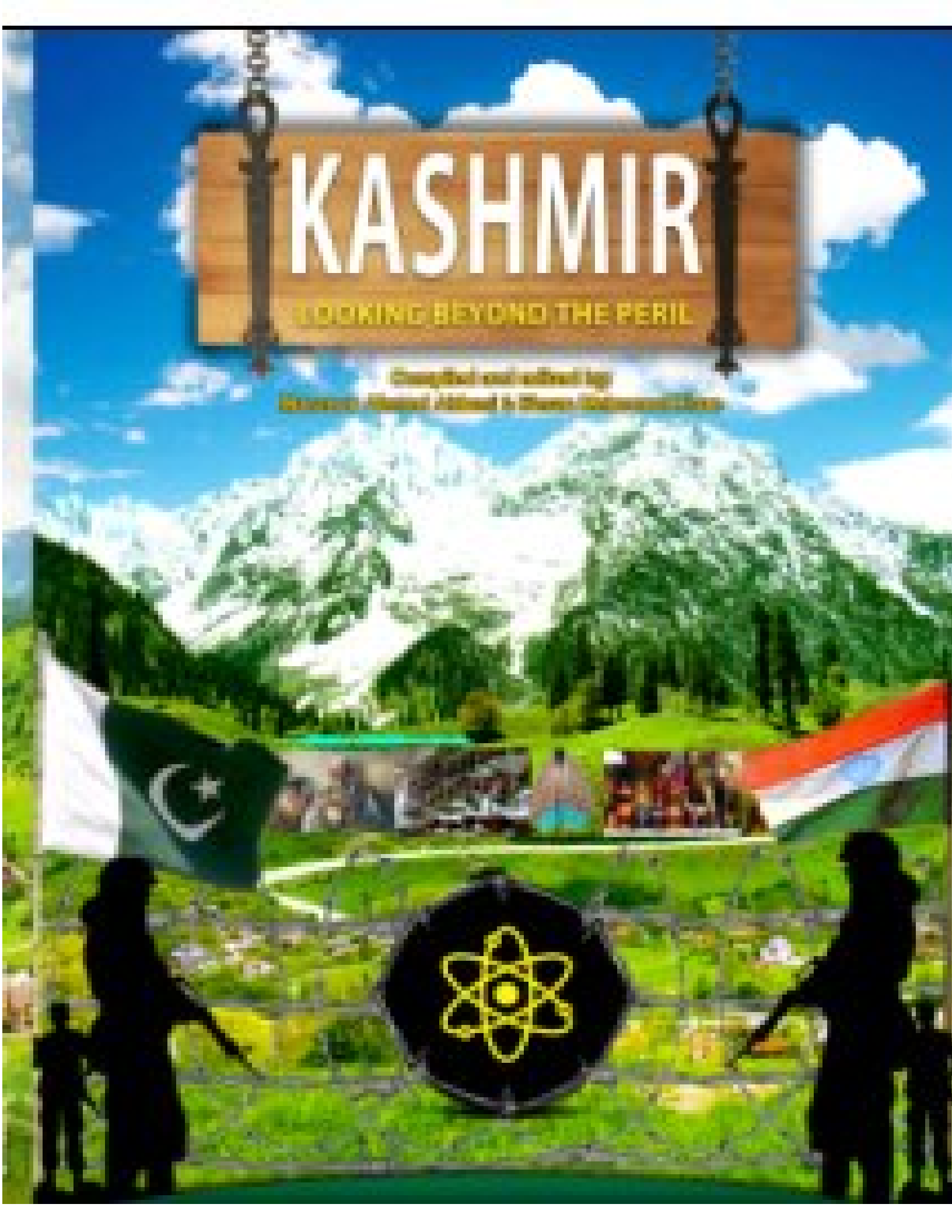


# KASHMIR

LOOKING BEYOND THE PERIL

Concepted and edited by  
Bhavna Arora, Assistant Professor, Government College





## **"Kashmir is the jugular vein of Pakistan"**

**Grand Imam Muhammad Ali Hashmi (1967)**

"There is no denying the fact that the main impediment to the process of normalisation of relations between Pakistan and India is the non-resolution of the long outstanding issue of the Jammu and Kashmir issue. No movement will be made in the political history of this region will ever come, that all efforts to bypass, ignore or to minimise its importance have not succeeded even this far. On the other hand they have rather created mutual confidence and approved understanding even in various sectors."

**Imam Muhammad Abdul Ghafoor Khan  
Letter to the Heads of Governments & States of SAARC Countries  
December, 1988**

"Knowing that Kashmir is geographically Indian, it is our duty to become a Muslim land."

**Muhammad Nurul Hasan Qadri  
May 5, 1984**

"If the people of Kashmir do not wish to remain with us, let them go by all means, we will not keep them against their will, however, painful it may be to us. We want neither forced marriages nor forced unions."

**Jawahar Lal Nehru  
Address to the Indian Parliament on August 1, 1947**

"People should be asked whether they want the army to take the internal security of Kashmir. My decision which does not have the backing of the people is unnecessary. If people feel that the Army is violating human rights, then the Army should be withdrawn."

**Prakash Mehta  
Senior Leader of Jammu National Party of India  
January, 2014**

# **Kashmir: Looking Beyond the Peril**

## **Editors**

Manzoor Ahmed Abbasi

Ehsan Mehmood Khan

## **Published by:**

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## CONTENTS

<b>Foreword</b>	ii
<b>Preface</b>	iii
<b>Beyond the Peril: Transforming Kashmir From a Point of Conflict to a Bridge in South Asia</b> <i>Ambassador Arif Kamal</i>	01
<b>Towards the Resolution of Kashmir Dispute: Potential Areas of Economic Cooperation and Dividends</b> <i>Manzoor Ahmed Abbasi</i>	19
<b>Conflict Transformation: The Role of Media in Kashmir</b> <i>Ehsan Mehmood Khan</i>	47
<b>Cross-LoC Management of Water and Environmental Resources: Opportunities &amp; Challenges</b> <i>Dr Shaheen Akhtar</i>	71
<b>Nuclearization of South Asia and its Implications for Kashmir Cause</b> <i>Fouzia Amin &amp; Khurshid Khan</i>	91
<b>Kashmir – A Case of Human Tragedy: The Legal and Moral Questions</b> <i>Dr Muhammad Khan</i>	117
<b>Tourism &amp; Resolution of Kashmir Dispute</b> <i>Muhammad Waqas Idrees and Mehwish Qayyum Durani</i>	139
<b>Kashmir Dispute: An Incremental Approach to Conflict Resolution</b> <i>Nazir Ahmed</i>	159
<b>Annexure – I: UNSC Resolution of 5 Jan 1949</b>	183
<b>Annexure – II: UNSC Resolution of 24 Jan 1957</b>	187
<b>NDU Publications:</b>	189



## FOREWORD

**K**ashmir dispute remains a critical barrier in normalization of relations between Pakistan and India, hampering the South Asia's progress towards sustainable security and greater economic development. Concurrently, the disputed state continues to serve as an arena for mutual exchange of acrimonies, ignoring the quest of the people of Kashmir to decide their own future. The centrality of the Kashmir dispute in the security matrix of South Asia can be gauged from the impact of human dynamics over the regional environment and no less important from the nuclearization of the region.

The key to a move forward rests with the people of Kashmir, exercising their right to make a choice about their own future and seek their participation in a process that would help resolve the issue. It is, therefore, important that scholars and experts renew their search for a constructive approach that takes the disputed territory beyond its current state of peril.

This book, containing an assortment of innovative views on various aspects of the Kashmir issue, comes on the eve of a two day workshop that aims at discussing the genesis of the dispute, imperatives for a constructive change and possible approaches to unknotting the issue. In this context, I commend the efforts of the writers who have contributed scholarly inputs and of the editors for bringing the exercise to fruition.

Islamabad  
January, 2014

Lieutenant General Javed Iqbal  
President, NDU





## PREFACE

Over the decades, scholars and experts in South Asia and beyond have published abundant literature on the Kashmir dispute, encompassing its genesis and possible approaches ranging from management to resolution. The scholarly lines of thought stretch from an accent on an 'unfinished agenda' of the partition to an 'inherent right' of the Kashmiri people for presiding over their destiny. Notwithstanding various interpretations, the exponents of various viewpoints agree that human dynamics of the disputed territory have an inevitable impact on the regional environment and, therefore, cannot be side-tracked, while emphasizing the need for economic growth.

The plans for an international workshop titled: *'Kashmir: Looking Beyond the Peril' (27-28 January 2014)*, precipitated a discussion amongst researchers at the NDU on various aspects of the Kashmir dispute, with a focus on conflict transformation approaches. I am glad that we are presenting a book with scholarly views on different aspects such as: viewing the disputed state as a connector besides a point of conflict; re-visiting the issue in the backdrop of nuclear responsibility; human rights aspects in complement with the legal and moral perspectives; economic dividends associated with a perceived settlement; the water issue; and an incremental approach to conflict resolution.

I earnestly hope that the book in hand would act as a stimulus towards opening new vistas of constructive discussion on the subject in a manner that the people of Kashmir emerge as the topmost priority.

Islamabad  
January, 2014

Major General Noel I. Khokhar  
Director General, ISSRA



## **Beyond the Peril: Transforming Kashmir from a Point of Conflict to a Bridge in South Asia**

Amb Arif Kamal\*

### **Abstract**

*The competing interests of Pakistan and India vis-a-vis Jammu and Kashmir and the resurgent native identity are essential facets of the Kashmir dispute that have eluded a solution in the past six decades. An impasse now reached in the unresolved situation has, indeed, precipitated search for innovative approaches towards a solution. In essence, it calls for a paradigm shift for exploring newer vehicles for conflict transformation that generate economic interdependence and assuage the native identity factor in the triangle. Kashmir has the potential to move towards a free economic zone, based on incremental steps and, thus, emerge as a bridge rather than a point of conflict between the competitors. This would assure a 'win-win situation' for all in the triangle and, thereby, make the process of normalization irreversible.*

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## Prelude

The stalemate in Kashmir in recent years illustrates the inability of either India or Pakistan to impose its preferred solution to this longstanding dispute. Concurrently, there has been a greater play of Kashmir factor in the triangle involving Pakistan and India. This adds to the challenges beyond the realm of bilateral approaches, while flagging the importance of human dynamics in the way of a sustainable peace.

In the contemporary scenario, cross LoC contacts among the Kashmiri people have been viewed and promoted as a vehicle of conflict transformation and peace-building and also a stepping-stone for broader Pakistan-India cooperation. Interaction across the Kashmiri divide in terms of people and goods is indeed central to addressing the Kashmiris' grievances, assuaging their sense of identity and organic unity, and stabilizing the environment in the conflict-prone state.<sup>1</sup> The easement for natives across the LoC has been measured, extremely slow and fraught with uncertainties. However, it holds the promise of dividends not only for Kashmir society but also flags the possibilities in store for Pakistan and India.

The governments of Pakistan and India have maintained a security-centric approach to the issue in view of the longtime-span of the conflict and, therefore, unchartered economic interaction across the divide in Kashmir is not on their priority list up till now. Yet the possibility to ameliorate the Kashmiris' sufferings and strengthen peace constituency in Kashmir could eventually turn the disputed state into a reliable link between the economies of Pakistan and India, and unfold the South Asian region's greater interaction with the other regions.<sup>2</sup>

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<sup>1</sup> Arif Kamal, "Contemporary Kashmir Scenario: Viewing from the Prism of Human Dynamics", Srinagar: Greater Kashmir, 28 October 2008.

<sup>2</sup> For a fuller discussion of the theory of economic interdependence in the liberal domain, please consult: Edward D. Mansfield and Brian M. Pollins, 'Economic Interdependence and International Conflict', University of Michigan, 2006.

The following study provides a recap of the nature of conflict while identifying prospective vehicle for a positive change; flags the window of opportunity that needs to be tapped; and identifies a pathway beyond the current impediments. The discussion leads up to the possibilities of turning the disputed State as a free economic zone in the future.

#### **A. Revisiting the Conflict and Transformation Approaches**

- **Context: Nature of the Conflict**

The conflict related to Jammu and Kashmir is essentially run on two wheels: competing interests of Pakistan and India viz-a-viz the disputed state, and the resurgent native identity. The interplay of both indexes the complexity of the successive scenarios in the arena. The issue expanded over six decades is deeply entrenched in the national psyches of Pakistan and India and, thus, gives security the establishments on either side a significant lead in steering the processes. Concurrently, the consciousness of being denied and marginalized prevailing amongst the natives has consistently unfolded human dynamics in the arena, very often beyond the remote control of Delhi and Islamabad. These ingredients make the Kashmir dispute a triangular one, with the native factor assuming critical dimension. Moreover, prolongation of the unresolved situation is also mirrored in a 'pendulum-swing' of pronouncements from the competing powers that, in essence, carry an accent on territoriality rather than primacy of the native humans. This, in a nutshell, explains nature of the dispute and the imperatives for a forward move.

The contemporary search for a solution of the dispute will considerably face limitations, if treatment is given within the stereotype ambit of Pakistan-India bilateralism. The triangular frame of conflict and the native consciousness of identity will have to be factored in any workable conflict transformation approach.

- **Vehicle of Conflict Transformation**

Economic interdependence is now widely acknowledged as a means to promote conflict transformation. In this context, trade is indeed a time-tested vehicle and an effective transformer. However, given the contextual peculiarities of the Kashmir dispute, trade as a transformer is to be employed on two wheels; the first and foremost being the divide within the disputed state, besides the larger frame of Pakistan and India. The Kashmir-related application should reconnect the divided people, provide relief in their everyday life after a hiatus of six decades, galvanize sections of the population in activity that creates their stakes in the stabilizing process, and rekindles their hopes for a better tomorrow. The inception and growth of a peace constituency that is rooted in the soil should be an antidote to the rebirth of militancy. The climatic change in the disputed state should, in fact, be seen as a stepping-stone for the broader normalization process in South Asia.

- **Making Borders Irrelevant**

The significance of recent cross-LoC openings, whether travel or trade, after a hiatus of six-decades is essentially explained in the vision of making borders irrelevant. It presupposes the inability of either Pakistan or India to impose a solution of their choice and hence the need for an innovative approach to look beyond the conflict. The concept of 'irrelevance of borders' calls upon the stakeholders to look beyond the conventional categories of 'sovereignty', 'territory' and 'boundaries', and seek a forward move through 'people', 'economy' and 'trade'.<sup>3</sup> This brings in a ladder to go beyond the status quo and yet not pronounce a change in the borders. The separation line, therefore, assumes a dynamic character rather than serve as a barrier amongst people of the same state.<sup>4</sup> The forward move as it comes would develop multi-faceted relationships

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<sup>3</sup> For a fuller discussion of the concept, please see: P.R, Chari, Hasan Askari Rizvi. Making Borders Irrelevant in Kashmir, Special report No. 201, United States: US Institute of Peace, 2008.

<sup>4</sup> Rekha Chaudhary: The Political Economy of Cross LoC Trade, Discussion Papers, Conciliation Resources, UK, Dec 2010.

amongst the divide within the disputed state and, thus, assuage the natives' urge to secure acknowledgements of their ranking as the primary party to the dispute. The connectivity within Kashmir would, in turn, transform the state from a 'flashpoint' to the status of a 'connector' between Pakistan and India and, thus, advance the process of greater normalization.

- **'Mother of All CBMs' and the Incremental Moves**

The cross-LoC travel and trade was seen as the first confidence building measure with the Kashmiri people (rather than one more CBM between Pakistan and India) and the 'mother of all CBMs'<sup>5</sup> that would unfreeze stagnation and unleash forces that make room for greater stabilization in the conflict-pron region. The measure as it was unfolded in 2005 for travel and in 2008 for trade, had received spontaneous welcome from Kashmiri opinion circles and rekindled hopes amongst them for peace and progress. Concurrently, however, it remained an instrument employed with caution and incrementally by India and Pakistan. The process has, therefore, moved with slower pace and limited results. It has allowed no more than 16,000 trans-LoC crossings in the past half a decade of opening and a turn-out of \$25 million from either side per annum, within the regulated scale of 20 plus items drawn arbitrarily. At present, the competing powers appear to allow 'an outflow of (native) steam' without making any spectacular advance towards fuller utilization of the potential.

## **B. Window of Opportunities**

Notwithstanding the narrow and incremental scale of openings, the cross-LoC movement of people and goods has already impacted on the native culture and brought forth changes in the scenario that are quantifiable. Essential deductions from the preceding discussion are itemized below:-

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<sup>5</sup> Zafar Chaudhary: "Catch up with Trucks: Turn LoC into Corridor of Indo-Pak Peace, Prosperity, Daily Rising Kashmir, 20 Oct 2011, available at: <http://www.risingkashmir.com/news/catch-up-with-trucks-17062.aspx> accessed on 6 Nov, 2011.



- **Generating Stakes**

Cross-LoC trade as an instrument of change gives the broad sections of natives the means of engagement in a process that brings relief in their dwellings and extends towards generating economic activity. It, thus, unfolds activity aimed at expanding livelihood and hopes for greater prosperity. The test and trials of three years have brought returns not only to the traders, but to various actors in the communities – divided families, ex-combatants, labourers and drivers benefiting from employment opportunities, and civic players. This dynamic activity has its own momentum, independent of governments and the political elite.<sup>6</sup> The process has led upto the creation of sizeable constituencies in the region with a stake in normalcy and an increasing opposition among them to any resumption of hostilities.

- **Sustainability**

The Cross-LoC transactions were not only welcomed by the natives across the divide, these have unfolded relationships that have sustained<sup>7</sup> despite ups and downs in the political arena within the disputed state and beyond in the neighborhood. The process has survived the strains between Pakistan and India in the aftermath of the Mumbai bombing (2008) and the-then interruption in the composite dialogue process. Understandably, the competing powers have stakes in continuation of the cross-LoC openings within manageable limits, as an instrument of providing vent to the native Kashmiri sensibilities. Concurrent with this, the subsequent summers were, in relative terms, not charged with agitational politics in the traditional sense. The political activists, both the

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<sup>6</sup> Arif Urfi and Bali Pawan, "Journey through River Vatista", Documentary, Conciliation Resources, UK, 2010.

<sup>7</sup> A personal story of a trader engaged in cross-LoC trade is indeed revealing, in terms of impact on the mindset. In his words: "We are insulated by a shield of mutual trust. We have not allowed diplomatic acrobatics between New Delhi and Islamabad to affect us in any manner." Saroj Razdan 'Cross-LoC Trade in Jammu and Kashmir through the Poonch', Discussion Papers, Conciliation resources UK, Dec 2010

'mainstream' and 'separatists', were inclined to treating the trading process as one more way of intra-Kashmir connectivity and, therefore, above the political differences.

- **All-encompassing Participation**

Engagement in the trading process cuts across the religious and ethnic divides. This is widely acknowledged in the profile,<sup>8</sup> which the trading figures have attained in the print and electronic media. It is interesting that the Jammu region, which is particularly known for sectarian strife, is prominent in demanding greater access in trading with the neighbourhood and for the flow of their products beyond the divide in Kashmir to Pakistan. In fact, the enthusiasm for cross-LoC trade brings Hindus of Jammu and Muslims of the Valley on the same page with Kashmiris on the Pakistan side of the divide.

- **Reinterpreting the Mode of Struggle**

There is a phenomenal transformation in perceptions regarding mode of struggle for '*Azadi*', as demonstrated by a section of the political and militant activists. At the outset of trade openings, some militant outfits had shown skepticism and also threatened to obstruct the process. However, with the flow of people and goods, the vitality of the process to assure a greater connectivity amongst the natives has been revealed. In the changing perception, the activists look at the current process as a peaceful means of attaining the erstwhile goals.<sup>9</sup>

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<sup>8</sup> Arif Urfi and Bali Pawan, op. cit.

<sup>9</sup> Recent speeches by Hizbul Mujahideen Commanders are indicative of their ease with the options for reinterpreting the means for struggle to attain the goal of '*Azadi*'. They speak of the Hizb's '*pause*' (ceasefire) while commending the role of the '*street*' in Srinagar for keeping up movement for *Azadi*. (Monitored by the author)

- **Peace Constituency**

The relationships unfolded in the trading process of the past three years have enforced institutional linkages amongst the civil society and in a more pronounced way, amongst the merchant class. Several trading syndicates focused in specific products have established cross-LoC consultative forums. The Joint Chamber representing the Chambers in Srinagar, Jammu and Muzaffarabad was the most spectacular outcome of the series of institutional links. This has set the stage for informal contacts amongst various institutions in the domain of legal practice, youth, academia including the Vice Chancellors,<sup>10</sup> and environmentalists. There is also new thinking on how to evolve a mechanism to address natural disasters, especially earthquakes.

- **Determinist Approach**

The sustainability of trade comes inspite of communication gaps, bureaucratic impediments, absence of banking facility and forced adherence to twenty plus items selected arbitrarily. Moreover, there are no market surveys that would enable the parties to think beyond the stereotypes. Yet the stakeholders have been consistent and very determined to continue the process and tap the potential as it comes in the way. The determination is partly attributed to the economic benefits that are in-built in the process and also to the sense of ownership of the process which the natives would like to make irreversible.

### **C. Beyond the Impediments**

- **Injecting Efficiency**

The fuller potential of cross-LoC trade is constrained by a number of factors relating to impediments in the trade flow in the

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<sup>10</sup> Five Vice Chancellors from across the divide in Jammu and Kashmir met in Istanbul on 23 Nov 2011, to initiate a trans-LoC VCs consortium. This offers an institutional arrangement for collaborative activity in the academic domain.

immediate term and from medium term perspectives. Of the immediate bottle-necks, the issues relate to communications, infrastructure, narrow lists of tradable items and banking facilities.

The measured communications, especially telephones and openings for travel have already unfolded 'blind trade' and therefore the phenomena of 'proxy trade' run by better equipped non-native operators. This also brings into fore the possibility of using the LoC route and its 'zero tariff' operation for Pakistan-India trade as such. Secondly, narrow infrastructure in terms of road capacity, frequency of traffic on the existing routes, and the storage capacity are yet another range of questions that need to be addressed. The trade will attain greater welcome by opening new routes such as Skardu-Kargil (for humanitarian reasons) and Jammu-Noshera-Bhimber (extremely promising for greater trade flows). Thirdly, the introduction of banking outfits: AJK Bank on the Indian side and J&K Bank on the Pakistan side would enlarge the area of trading and eliminate proxy actors to a very large extent. Fourthly, the limitation of twenty plus items arbitrarily decided by the bureaucrats in Islamabad and Delhi will have to be revisited, with a view to expanding the lists of tradable items in consultation with the local chambers and market surveys that establish complementarities of either side of the divide.

The trading as it has come to stay as a process in the past three years, had first commenced as a consequence of political agitation in the Valley (amidst slogan: '*Kashmir ki mandi Rawalpindi*') and urgent need to provide relief in earthquake region of Pakistan side of Kashmir. It was initiated as barter on zero tariff basis, in keeping with the perceived limitations of infrastructure and capacity on either side. Since then, no effort has been made to expand the volume and upgrade quality of transactions, based on a re-visitation of the native market potential. Understandably, the

security centric approaches<sup>11</sup> to expansion of intra-Kashmir contacts have had a slowing down impact on the growth of this phenomenon.

- **Beyond the Realm of CBMs**

The use of travel and trade as an instrument of greater stabilization within the state pre-supposes wider intra- Kashmir linkages that are unhindered and enlarge economic activity within the state so as to take trade beyond the realm of CBMs and turn this into a beneficial proposition for the traders.<sup>12</sup> It should also bring trickle-down effect at various levels of the population. Despite the security-specific concerns taking center stage at times, all the stakeholders have an ultimate interest to carry forward the process and to make the disputed region a stable entity, capable of serving as a connector rather than a point of conflict between them.

- **Towards a Free Economic Zone**

The concept of the state of Jammu and Kashmir becoming a common market or a free economic zone will have to be considered and evaluated with the aim of carrying forward the vision of turning borders irrelevant. In this context, it will be important that for further progress on stabilizing the region, intra-Kashmir trade on zero tariff rate should now encompass all native produce and services, besides joint investment ventures - all based on certificate of origin. A fuller participation of the native chambers of commerce and industry should be invoked to enlarge the level and quality of participation. In the medium term, the intra-Kashmir trade should, therefore, be run only on free (though regulated) exchanges, while

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<sup>11</sup> A slowdown in the cross-LoC contacts because of security-centric approaches has been a recurring consensus point in the discussion at various Track-II meetings held in 2010-2011. Please see; "India-Pakistan Track-II, Chaophraya Dialogue", held on 16-17 October, 2011 at Bangkok: Outcome document published by Jinnah Institute, October 2011, Islamabad

<sup>12</sup> Moeed Yusuf, "Exploring the Potential for Economic Development and Cross-LoC Collaboration in Jammu and Kashmir", US Institute of Peace, 2005.

keeping in view a list of negative items to satisfy the core concerns of Pakistan and India.

Imaginative steps are needed to stabilize the gains, while moving the wheel forward beyond impediments in the way. In this context, special effort would be needed to bring into the fold the security apparatus and also ideologues from Pakistan and India in order to ease the psychological barriers and to dilute the security-centric approaches. The concept of further connectivity between the divides in Kashmir should generate greater confidence rather than unease amongst the stakeholders and the idea of 'making borders irrelevant' should emerge as a common ideal for the hitherto competing interests as well as for assuaging the native identity.

In keeping with complexities of the dispute and need to overcome the psychological barriers in an incremental way, it is proposed that the idea of turning Jammu and Kashmir into a free economic zone should be pursued in three steps: the immediate terms (1 to 3 years), medium term (3 to 10 years) and long term (beyond ten years). The steps ought to be viewed in the following terms: -

**Immediate Term:** All produce and services within the state should be put for free movement except for those on a 'negative list' to be decided by the two states. The transactions should be run on a zero tariff basis within the state. This should attract greater investments into the state and an upturn in the native corporate/industrial sector.

**Medium Term:** All produce from any part of the state should be welcomed in Pakistan and India on a zero tariff basis or on highly preferential tariff. The measure should come into force without invoking reciprocity in tariff for Pakistani and Indian products. This would enlarge the prosperity levels in the erstwhile state and make the peace constituency irreversible there.

**Long Term:** Based on the success ratio of the first two stages, the stakeholders should evolve a workable model of free economic zone

in the state. The vision of Kashmir as a free trade ought to be viewed as the ultimate solution of the imbroglio, as it carries the potential of reconciling the security concerns of both Pakistan and India and the primacy of natives in the triangular relationship.

#### **D. Key Deductions**

The above discussion leads us, in a nutshell, to broad deductions in the following terms:-

- **The Trading Operation**

The openings for intra-Kashmir trade remain extremely narrow, full of impediments that are bureaucratic and security-specific or halted by infrastructure constraints. The range of actual exchange remains limited to a short list which is arbitrarily decided, and not always relevant to market conditions. The actual share of Kashmiri products is uncertain. The trade at present is varyingly described as 'blind trade' and 'proxy trade'.

There is a broad consensus that greater openings in intra-Kashmir trade and later use of this route for transit trade, would be contingent upon further moves for Pakistan-India normalization. However, it is important that the existing achievement is stabilized and made irreversible. It is encouraging that the trade, whatever it entails, has not been interrupted inspite of strains in the Pakistan India-relations. It signifies a two-fold reality: the process is already creating a peace constituency, and second, Pakistan-India have a shared interest in providing vent to the native sensitivities.

A multi-dimensional approach is needed for stabilization of the process. It is important to enlarge greater native stakes in the process. Second, all stakeholders, including the security-related authorities should be brought on board.

- **The New Routes**

The currently operational routes do not help alleviate the situation faced by the northern regions and the Jammu region. It

would be logical to explore the possibility of opening Jammu-Nowshera-Bhimber route so as to provide connectivity for the broader Jammu region. Similarly, Kargil-Skardu route and Gilgit-Bandipura-Srinagar route ought to be explored. It may be possible to achieve early progress on the northern routes in view of the unresolved Siachen situation. However, the idea should remain flagged in anticipation of a better climate. Concurrently, the new Jammu-Bhimber route carries significantly high commercial potential.

- **Political Economy**

The discussion of Kashmir factor in the scenario unfolds 'strong aspirations' for rekindling shared identity of the people of Jammu and Kashmir, sometimes described as 'organic unity' across the divide in the state, that is in search of a 'new polity'. The Kashmiris' hopes hinge on 'making borders irrelevant' and establishing some sort of 'economic union' of regions across the divide.

The separation line in Jammu and Kashmir (first the Cease-Fire Line and later LoC) is indeed peculiar in as much as it flags the six decade-long disconnect in the movement of natives and their goods within the state. Its impact is pronounced in 'artificial respiratory mechanism' for economies on either side.

A variety of credible arguments has now been advanced to demonstrate that reconnecting people across the divide would considerably improve lives of the natives and open up avenues for greater economic prosperity. This would serve as an antidote to militancy. Any advance towards economic interdependence within the disputed region would also be a stepping stone for broader Pakistan-India normalization.

The reassertion of native Kashmiri factor in a triangular relationship with Pakistan and India, has been a key factor in unknitting the stalemate and propel Pakistan and India to look for innovative approaches including travel and trade as an instrument of peace making. This factor would remain relevant for a progressive advance in the normalization process. Conversely, however, it is a



point of caution that the native factor cannot be overemphasized and divorced from Pakistan-India dynamics as the 'dominant factor'.

### **E. A Way Forward**

The process will move forward as the security apparatus of the two competing powers, besides other stakeholders, is brought on board and assured of the commonality of interest amongst the parties in the normalization process. Kashmir should emerge as a bridge rather than a point of conflict. It is, therefore, in the interest of the two competitors to allow wider access to the natives on either side of the divide and to promote their stakes in the process that promises peace dividends. The stakeholders should move Kashmir towards a free economic zone, based on a three-tier incremental steps. The ideal of a zero tariff regime should provide engine for economic activity and institutional development in this direction.

### **Conclusion**

The contemporary realities facing the six decade-long unresolved Kashmir dispute call for a paradigm shift with a focus on the vehicle of economic interdependence, interwoven with an endeavor to assuage the resurgent native identity factor. It is however, critical that in keeping with the peculiarities of Kashmir dispute, any conflict transformation model takes into account the triangle in the dispute and, thus, factors the competing interests of Pakistan and India alongside the native human dynamics. Recent search for newer approaches to conflict transformation viz-a-viz Kashmir dispute: 'out of box solution' and 'making borders irrelevant' has rested upon two factors in the scenario namely the impasse in Pakistan-India dynamics and the resurgent native identity factor. The cross-LoC openings in travel and trade are the foremost though limited manifestation of the process that provides an index of the potential relevant to erecting sustainable structures for peace and progress in the arena.

The cross-LoC openings are conceived as the ladder for reconnecting natives across the divide, assuaging the identity factor;

engage them in economic activity that brings relief as well as enhances their prosperity levels and, thus, generates stakes of the native population in the stabilization process. The stabilization within the disputed state should serve as a stepping-stone for broader Pakistan-India normalization. The preceding discussion is revealing in regard to the level of success and expectations that emerge from the process and bring home the gap between the two that remains critical for moving the wheel forward. Undoubtedly, the achievement in the past years of trade flow though measured and full of impediments, is quantifiable and leads upto identification of multi-dimensional gains: It has generated native stakes across the spectrum (not merely limited to traders); established sustainability of the process in the wake of ups and downs in the Pakistan India relations; brought forth engagement in trading that transcends the ethnic and religious divide; and unfolded inclination to reinterpret the mode of struggle (peaceful means instead of militancy) for '*Azadi*'. Moreover, the emergence of a native peace constituency is now moving to the stage of an institutional development across the divide that is no more confined to a joint chamber amongst the trading communities. The native identity factor is assuaged in parts. The militancy is thus 'on hold' though not yet irreversible.

The progress todate comes amidst the constraints that are built in the narrow prism of barter, issues related to communications, infrastructure and unilaterally imposed list of tradables. The 'zero tariff' principle, however, tends to overcome the 'blind trade' and survive inspite of the inroads made by 'proxies'. Concurrently, there is a broad acknowledgement that fuller potential of the process ought to be harnessed by moving the activity beyond the realm of CBMs into a profit-based activity and, thus, unfold greater trickle-down effect on the population. For this, it is important to enlarge intra-Kashmir contacts, institutionalize the process with greater native ownership and widen the transactions to a full bloom of the native potential in areas of trade, investments and services. It is time to draw only negative lists that satisfy the core interest of Pakistan and India. The disputed state should be led to the status of a 'free trade zone' and as a 'connector' rather than a point of conflict between the two states.

The Kashmir scenario remains fraught with security-centric approaches employed by the competing powers and the fears of a resurgence of militancy, if the native identity factor is not assuaged well. The question remains as how to overcome the security centric approaches and to make the peace constituency irreversible as against the possibility of militancy re-emerging. The preceding discussion leads us to conclusion that the parties in the triangle need a better appreciation of their shared economic interest and common stakes in peace dividends. This, in a nutshell, pre-supposes wider openings for intra-Kashmir contact and fuller utilization of the native potential so as to generate a domino effect for sharing the benefits as these unfold. The emergence of Kashmir as a 'free economic zone' and as a 'connector' would bring 'win-win situation' for all and, thus, make the process of normalization irreversible.

The cross-LoC movement of people and goods symbolizes the shared hopes for peace dividends; employing trade as an instrument for stabilization and conflict transformation. Nevertheless, the two main contenders need to move faster on the political front to sustain what has already been achieved, and to demonstrate their will and readiness to move forward the process in Kashmir. In this context, they would particularly need to shed security-specific apprehensions that are intermittently voiced by the respective establishments. A significant move forward will also rest upon an explicit recognition of the native Kashmiri factor in the three-way triangle, while carrying forward the peace process.



## **Towards the Resolution of Kashmir Dispute: Potential Areas of Economic Cooperation and Dividends**

Manzoor Ahmed Abbasi\*

### **Abstract**

*The lingering issue of Kashmir has virtually made the peace and prosperity of South Asia a hostage, which is considered the poorest and the most militarized region of the world. One fifth of the humanity and forty four percent of the poor live in this part of the world. It has been estimated that around \$300 billion per year are spent by South Asian nations and China on military expenditure. Three nuclear states; China, Pakistan and India, are neighbouring each other, with a history of conflicts and wars. Kashmir has decidedly been the major cause of conflicts between Pakistan and India. The efforts and approaches to resolve Kashmir dispute have their own history. Economic approach to help resolve the issue of Kashmir has also been explored in the past, particularly in recent years, after rapid globalization. The paper in hand argues that the resolution of Kashmir dispute can accrue enormous dividends to the people of South Asia and the world at large. It can result in integration of the entire region, linking it with the rest of the world, which would ultimately render the Westphalian state structures irrelevant, by putting the stakes of all nations of the region together. Kashmir issue cannot be sidelined. An economic approach to conflict resolution provides the space to move on the road, which leads to peace and prosperity, provided the leadership, academia, civil societies and government functionaries in South Asian countries are able to rise above stereotypes and think about the collective good of the humanity in this part of the world.*

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## Introduction

*“Please look at the stakes. If the Kashmir issue was resolved under accepted international principles, it will bring an end to the dangerous belligerency of two powerful communities and bury the hatchet forever in the Sub-continent, permitting India and Pakistan for the first time since independence to devote their resources to the development of their people and the progress of this region. There will be peace and no one will need to build nuclear weapons or strengthen the engines of war.”<sup>1</sup>*

The state of Jammu & Kashmir can serve to provide unique opportunities to all stakeholders, including the people of Kashmir, to engage in ‘a win-sum game’ rather than a ‘zero-sum game’, if the leadership, academia, civil societies and Government functionaries in South Asian countries are able to rise above stereotypes and think about the collective good of humanity. This reality can hardly be denied that the prosperity of South Asia, particularly the Subcontinent, has virtually been hostage to the Issue of Kashmir for the last 66 years. Kashmir dispute, erupted as a simple issue of territorial adjustments in accordance with the principles of Partition Plan 1947, has become a monster for the peace, stability and prosperity of South Asian region, which did not let this region realize its full potential. Pakistan and India have fought three full scale wars (1948, 1965 and 1971) and one limited war (1998), mainly due to this dispute. The risks of a nuclear conflict between these neighbours, though placated by the politicians and establishments in both the countries, are real than imaginary, as indicated by the renowned scientists and experts, and they entail dangerous

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<sup>1</sup> Sardar Abdul Qayyum Khan, the former President and Prime Minister of Azad Jammu and Kashmir’s letter to Mr. Jimmy Carter, the Former President of the USA, 3 January, 1991.

consequences.<sup>2</sup> Numerous efforts have been made in the past decades to find solution to the issue of Kashmir, but without any tangible progress. The entire debate had been centered on the so called principled stands of Pakistan and India, concerning territoriality, sovereignty, equality and moral legitimacy.<sup>3</sup> It is assumed that these hotly contested national stances are more for domestic short term politicking, rather than being limitations on choices, which the illiterate or semi-literate populace of both the countries is willing to acquiesce. Had the people of Pakistan and India not been conditioned to those so called hardened political stances, they would have been able to understand the potential benefits of peace and economic prosperity vis-à-vis Kashmir dispute and they might have solved it either way much earlier and, thereby, mitigated the bedeviling impact of this long-standing dispute on the progress and development of South Asian region. Dr Maleeha Lodhi very aptly and passionately advocates that “the peoples of South Asia urgently need to overcome the bitter legacies of the past in order to create an enabling environment for peace and security, which is critical to unleash the collective creative energies, necessary for economic progress.”<sup>4</sup>

The centrality of Kashmir dispute in the South Asian security quagmire as well as any progress towards some sort of regional cooperation can hardly be denied. It would be too simplistic to give a single reason, which is mainly responsible for the lack of regional integration of South Asia. But, if one has to isolate the one, it is the

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<sup>2</sup> The latest report, titled as ‘Nuclear Famine: The Global Climate Effects of Regional Nuclear War’, published by International Physicians for the Prevention of Nuclear War dated December 10, 2013. Also comprehensive papers written by the Nobel Laureate Ira Helmand, ‘An Assessment of the Extent of Projected Global Famine Resulting from Limited Regional War’ 2007 and ‘Nuclear Famine: Two Billion People at Risk’, 2013, accessed through [www.ippnw.org](http://www.ippnw.org) on 10 December 2013.

<sup>3</sup> Moeed Yusuf, ‘Exploring the Potential for Economic Development and Cross-LoC Collaboration in Jammu & Kashmir’, Pugwash Issue Brief, Volume 5, Number 1, July 2007.p.1.

<sup>4</sup> Dr Maleeha Lodhi, ‘Security Challenges in South Asia. The Non-Proliferation Review/Summer 2001.p.118.



non-resolution of Kashmir dispute. Kashmir issue has impacted negatively on all potential fields of mutual cooperation. The Indian approach to sideline Kashmir issue and, somehow, pursue the path of economic cooperation did not yield positive results. It is now strongly felt that unless the countries of the region, particularly Pakistan and India, develop the requisite political harmony, they cannot possibly agree on concessions on mutual trade and commerce, which is generally taken in each country as equivalent to surrendering national sovereignty. It is time that the Governments of Pakistan and India and more importantly intelligentsia, media and world community should work to promote positive thinking and help manage perceptions in both the countries, to bring home the importance of peace, development and prosperity for a large portion of the humanity living in this part of the world. There are numerous study reports, compiled by unbiased and competent researchers, which reveal a great deal of potential of South Asian region to advance at a rapid pace, provided some sort of politico-economic integration of the region could be materialized. Not only Pakistan and India stand to gain from such type of integration, but it would also result in world-wide uplift of the people from the existing state of an abysmal poverty.

The paper in hand aims at analyzing the economic benefits of resolving Kashmir the dispute - provided it is done with a sense of justice and fair play - and highlighting the need for some sort of agreement among South Asian countries about durable peace and security, so that, in result thereof, the much awaited economic cooperation, joint developmental programmes and mutual social exchanges can take place. Grounded in various theories of Economics, particularly *'developmental approach'*, *'basic needs theory'*, *'aggression-frustration theory'* and *Rawls' Theory of Justice*, the paper argues that Kashmir Issue needs to be seen as a human tragedy, rather than a territorial dispute, which is fast becoming an epicenter of regional conflicts, posing serious and perpetual threats to the lives of millions of people, besides dwindling economic resources, which need to be spent on the amelioration of the lives of the people. "The twin phenomena of strategic peril and economic promise pose a daunting challenge, one that must be met for South

Asia, to be in sync with great global transformations. There can be little doubt about the economic and trade benefits that would accrue to the global economy from a peaceful and stable South Asia, as indeed a promising dividend for the people in the region.”<sup>5</sup>

### **Economic Approach to Conflict Resolution**

There is a plethora of literature on economic theories of conflict management and resolution. The idea that economic cooperation promotes peace can be traced in the work of classical liberal thinkers. The French political philosopher, Charles de Secondant, the Baron of Montesquieu (1689-1755), said that “the natural effect of commerce is to bring peace. Two nations, which trade together, render them reciprocally dependent: if one has an interest in buying, the other has in selling, and all unions are based on mutual needs.”<sup>6</sup> Ludwig Von Mises, a famous Austro-Hungarian Economist (1881-1973), was one of the ardent defenders of capitalism. He argued that “the Government interference was the main reason for the eruption of conflicts among nations. This interference, more specifically by imposing trade and migration barriers and engaging in mercantilism, spurs conflicts, for which the solutions are hard to come by.”<sup>7</sup>

Most of these theories stem from capitalist philosophy of free market economy. Adam Smith (1723-1790) and David Ricardo (1772-1823) provided the foundations, on which liberal economic and political theories were based. Trade, according to them, is a win-sum game for all stakeholders, as it provides with the space to benefit from comparative advantages. By engaging in mutual trade,

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<sup>5</sup> Dr Maleeha Lodhi, *Security Challenges in South Asia*. The Non-Proliferation Review/Summer, 2001.p.118.

<sup>6</sup> A.M.Kohler et al, *Montesquieu: The Spirit of the Laws*, Cambridge University Press, 1989. Quoted by Oli Brown et al, in their paper ‘ The Role of Regional Trade Integration in Conflict Prevention’, edited by Shaheen Rafi Khan, Routledge/IDR 2008.p.231

<sup>7</sup> Ludwig Von Mises, *Human Action: A Treatise on Economics*, 4<sup>th</sup> Revised Edition, San Francisco, CA:Fox and Milkes, 1996. Quoted by Oli Brown et al, in their paper ‘ The Role of Regional Trade Integration in Conflict Prevention’, edited by Shaheen Rafi Khan, Routledge/IDR 2008.pp.232-233.

nations improve upon the well being of their people, for they are able to purchase the goods, whose production is cheaper elsewhere, while expanding the markets for their own products. The lesser the Governments intervene in the free trade, the better the results would be. Adam Smith's concept of invisible hand in the correction of market failures is taken for granted even in modern capitalist driven economies. The theory of 'inter-dependence' originates from this conceptual paradigm, which propounds that the economic integration of nations puts their stakes together. The mutual economic stakes would help them to resolve their conflicts, at the best, or at least, force them to manage the conflicts. The concept of trade diplomacy emerged from there in 19<sup>th</sup> Century, commonly known as 'Cobdenism', named after its proponent, Richard Cobden, the British statesman and economist. Cobden took up the case of trade as a 'moral issue', which implies that it is the right of the people to exchange the fruits of their labour unhindered and, consequently, the trade has the power "to draw men together, thrusting aside the antagonism, race, creeds, language and uniting them in the bonds of eternal peace."<sup>8</sup> The desire to avoid a waste of the resources of the nation was at the bottom of Cobden's abhorrence of war. He made it his business to keep before the national mind his belief that war could never confer a material advantage, and that whatever else wars did, there could be no question about it that they injured the poor.

One of the most cited theories in the modern literature on conflict resolution is from John Burton, an Australian economist and diplomat. Being dissatisfied with traditional diplomacy in the resolution of inter-state conflicts, he came up with the 'Human Needs Theory'. Needs theory states that deep-rooted conflicts are caused by basic needs, such as security, identity and recognition. The theory differentiates between 'needs' and 'interests'. Since 'interests' are primarily for material goods, these can be traded and negotiated, whereas, the 'needs' can neither be traded nor bargained. Once a people identify themselves as a separate entity, based on certain philosophy or value system, manifested in socio-cultural symbols, it

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<sup>8</sup> Oli Brown et al, ' The Role of Regional Trade Integration in Conflict Prevention', edited by Shaheen Rafi Khan, Routledge/IDR 2008.pp.232-233.

is hard to satisfy or woo them by anything less than recognizing their right to exercise free choices in the matters of their individual as well as collective lives. The Indian policy makers, taking a clue from the trade diplomacy, have been honed in the concept of trade promotion with Pakistan, with a deep-seated belief that the promotion of trade would overtake the fervour of Kashmiri people for the right of self-determination, enshrined in the Indian Independence Act and promised in the UN Resolutions. They think that Kashmir Issue would somehow be dissipated and diluted. Oli Brown team, therefore, rightly concludes that “trade alone is not sufficient to resolve conflicts. Many other variables contribute to creating an atmosphere of peace and stability. Economic gains are not enough of an incentive to avoid conflicts, but they can help. The on-going conflict over Kashmir between Pakistan and India illustrates how trade flows are effectively hostage to the conflict. This unresolved dispute prevents both regional integration and cooperation; profound nationalistic sentiment has made bilateral reconciliation difficult, and the dispute thus far resulted in three armed conflicts and three crises. The severity of dispute makes it ‘the single largest constraint’ for regional aspirations.”<sup>9</sup> Kashmir, therefore, emerges as a classic case of yet another theory i.e. ‘Aggression-Frustration Theory’, which propounds that the inefficiency and inadequacy of state systems to address the grievances of the people results in frustration among the people and a protracted state of frustration and despondency among the masses causes aggression, which may take the form of violent behaviours. The insurgency in Indian Held Kashmir (IHK) needs to be seen through this prism as well.

Finally, we can relate the Rawls’ Theory of Justice to the resolution of Kashmir Conflict. “Justice is the first virtue of social institutions, as truth is of systems of thought.”<sup>10</sup> The Rawls’ Difference Principle says that the social order is not to establish and secure the more attractive prospects for those who are better off, unless doing so is to the advantage of those who are less fortunate.<sup>11</sup> It implies in the case of Kashmir that ‘since the people of Kashmir have

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<sup>9</sup> Ibid.pp.235 and 249.

<sup>10</sup> John Rawls, ‘A Theory of Justice’. Harvard University Press, 1971.p.3.

<sup>11</sup> Ibid.p. 75.

been disadvantaged for the last 66 years, the natural justice demands that their aspirations and rights may be taken into account in the final outcome of any settlement on Kashmir'. Applying the Rawls' theory of justice, Dr Riffat aptly points out, "given the fact that Kashmiris are the most disadvantaged party to the dispute, their individual and collective rights in a future India-Pakistan peace deal can only be safeguarded, if they are approached from the 'difference principle' of Rawlsian theory."<sup>12</sup>

### **Wastage of Scarce Economic Resources on Military Expenditures**

Wars, conflict and violence have been pandemic to South Asia, a region comprising one fifth of the humanity, leading many experts and analysts to call it 'the most dangerous place on earth'.<sup>13</sup> The security dilemma of South Asia, primarily caused by the non-resolution of Kashmir Issue, is sapping the foundations of the South Asian countries, particularly Pakistan and India, which are dwindling huge resources on military expenditures, instead of economic progress 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 (**Figure-1**). It indicates the paradox of Indian growth miracle; that whatever progress India has made in the economic sector in the last two decades, the same was doled out for military imports. India is now the largest importer of weapons and military hardware in the world. Dr Lodhi, the former Ambassador of Pakistan to the United States, expresses her concern about growing Indian military expenditures in these words: "If the past is any guide, the future is fraught with risk. Within a year of its nuclear explosion, India unveiled an ambitious nuclear doctrine i.e. 'Cold Start Doctrine'. The fact that it also increased its massive defence budget

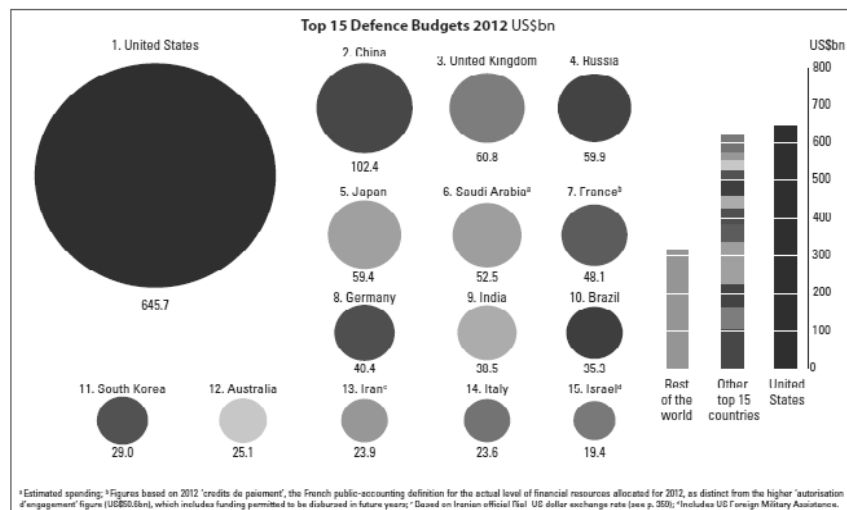
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<sup>12</sup> Dr Riffat Hussain, 'Resolving the Kashmir Dispute: Blending Realism with Justice'. The Pakistan Developmental Review 48:4 Part II (9Winter 2009).p.1027.

<sup>13</sup> Rajat Ganguly, 'Security Issues in South Asia'. South Asian Survey, 2013 10<sup>th</sup> Edition.p.14.

by 28 percent – an increase larger than Pakistan’s entire defence budget – to fuel its indigenous strategic and conventional programmes as well as military acquisitions, demonstrates that New Delhi is already working to implement this strategic doctrine.”<sup>14</sup> China, another economic giant located in the proximity of South Asia, is the second largest military spender in the world, spending \$115.7 billion.<sup>15</sup>

**Figure-1: Comparative Military Expenditures of Top 15 Spenders in the World**  
**Comparative defence statistics**



**Source:** The Military Balance, Chapter Two: Comparative Defence Statistics, Published online: 14 Mar 2013, accessed through <http://www.tandfonline.com/loi/tmib20>.

Over all, South Asian nations and China are spending about \$350-400 billion on defence related expenditures every year. The International Military Balance surveys the state of defence expenditures of China and South Asia in the following words:

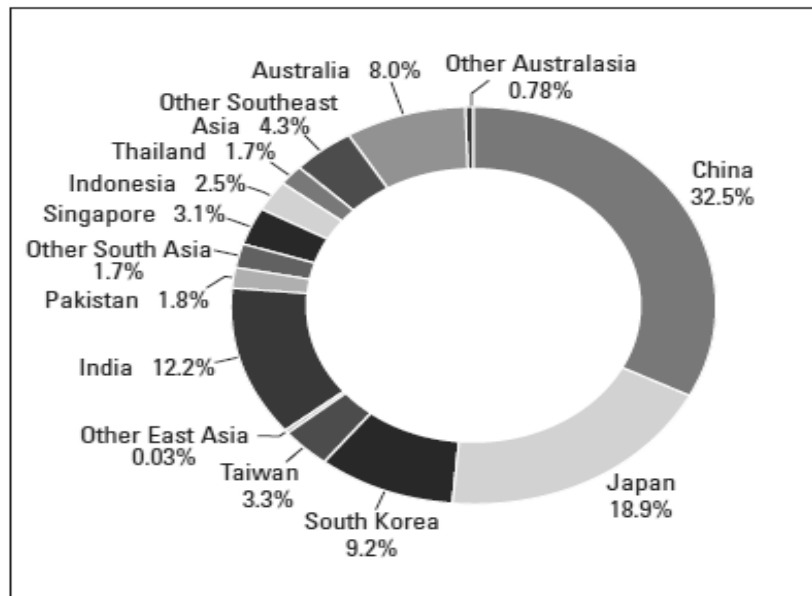
<sup>14</sup> Dr Maleeh Lodhi, Security Challenges in South Asia', The Non-Proliferation Review/Summer 2001.p.118.

<sup>15</sup> Ben Doherty, "Pakistan ups ante with big military boost", The Sidney Morning Herald, 17 June 2013.

“China’s defence developments are fuelled by continuing military spending and substantial increases, with an 8.3% increase in real defence spending between 2011 and 2012. In Asia as a whole, real defence spending rose by 2.44% in 2011, and the pace accelerated to 4.94% in 2012. Indeed, 2012 saw Asian defence spending (at current prices and exchange rates, and excluding Australia and New Zealand) overtake that of NATO European states for the first time.”<sup>16</sup>

**Figure-2** depicts the stark reality.

**Figure-2: The Trends of Military Spending from 2011 to 2012**



**Source:** The Military Balance, Chapter Six: ‘Asia’, Published online: 14 Mar 2013, accessed through <http://www.tandfonline.com/loi/tmib20>. These are percentages of total spending of Asia in 2011 and 2012.

Pakistan’s military expenditures have, by and large, been constant for the last two decades (**Figure-3**), but even these could be directed towards the betterment of the lives of people, if there were an atmosphere of peace and stability in South Asia. The insightful

<sup>16</sup> The Military Balance, Editor’s Foreword, p.6. Published online: 14 Mar 2013, accessed through <http://www.tandfonline.com/loi/tmib20>

Indian analysts point out, without failing, that the persistent increase in defence budgets does not make Pakistan and India more secure. In fact, the reverse is true. "In a classic illustration of the security dilemma, the Indian preponderance has led to greater Pakistani insecurity. The almost constant Pakistani search for security against the perceived Indian threat has, in turn, created insecurity for India. Both arms races and international crises in the region owe a great deal to the mutual insecurities created by this attempt to achieve security through military strength."<sup>17</sup>

**Figure-3: A Comparison of GDP Growth and Military Expenditures of Pakistan and India 2000-2009**



**Source:** An Introduction to Pakistan's Military. Belfer Center for Science and International Affairs, 2011.

European countries, in contrast, have made significant progress towards the reduction of military expenditures, mainly due to evolution of collective security arrangements. Europe fought wars after wars, including the two most devastating World Wars ever witnessed by the mankind, mainly due to narrowly defined national

<sup>17</sup> Sumit Ganguly et al, 'India and South Asian Security'. Defence and Peace Economics, Routledge, New Delhi, 19 October 2007.p.337.



interests. The lesson they learnt was to put an end to the wars and join hands to usher in an era of collective progress, development and prosperity. The process of economic integration was taken as a panacea for conflicts. The leaders in the post World War-II Europe emerged as statesmen and evolved a system of collective security, wherein no one could suspect the intentions of the other. At the end of Cold War, the Westphalian state structures were further replaced by 'secure but open borders', where the movement of men, knowledge and the goods of collective utility could be continued unhindered. South Asia in comparison, somehow, pre-empts any sort of regional cooperation, which could foster an atmosphere of peace and tranquility.<sup>18</sup>

The prudence demanded that the scarce natural and human resources should have been spent for the collective good of the humanity, what ensued instead was the race for armament, resulting in piling up of conventional and unconventional weapons, atom bombs, and huge standing armies, which consume the major chunk of economic resources, leaving little room to ameliorate the plight of the people of this region. It is, therefore, not surprising that South Asia is the poorest and yet the most militarized region in the world.<sup>19</sup> "We need today a new concept of human security", said Dr Mahbub ul Haq as earlier as in 1995, "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."<sup>20</sup>

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<sup>18</sup> Chandra D Bhatta, 'Regional integration and peace in South Asia: An analysis'. Accessed on 20 November, through <http://www.bradford.ac.uk/ssis/peace-conflict-and-development/issue-5/RegionalIntegration.pdf>.

<sup>19</sup> Dr Akmal Hussain, 'The Challenges and Drivers of Regionalism in South Asia: The India-Pakistan Peace Process, Paper Presented at the APARC-ORF Conference Panel on South Asian Visions of Regionalism, accessed through [http://www.akmalhussain.net/Papers%20Presented/data/Challenges%20and%20Drivers%20of%20Regionalism\\_Paper\\_9-6-08.pdf](http://www.akmalhussain.net/Papers%20Presented/data/Challenges%20and%20Drivers%20of%20Regionalism_Paper_9-6-08.pdf) Stanford University 19-20 June 2008, on 20 November, 2013.

<sup>20</sup> Mahbub ul Haq, 'Reflections on Human Development'. Oxford University Press, New York, 1995.p.116.

### Deplorable Human Development Indicators in South Asia

Asia is a home to over 4.4 billion people; approximately a quarter of the humanity lives in this part of the world. According to World Bank's latest 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 (**Figure-4**).<sup>21</sup> This rampant poverty is inspite 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 widespread 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.

**Table-1: Population of South Asia Living Below Poverty Line**

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
<b>India</b>	1241	516.4	41.6	134
<b>Bangladesh</b>	150.7	74.3	49.6	146
<b>Pakistan</b>	176.9	40.0	22.6	145
<b>Nepal</b>	30.5	16.8	55.1	142
<b>Maldives</b>	0.3	4,500 (Four thousand five hundred only)	1.5	109
<b>Bhutan</b>	0.7	n.a. (not	26.2	141

<sup>21</sup> World Bank's South Asian Regional Brief, September 25, 2012. Accessed through <http://www.worldbank.org/en/news/feature/2012/09/25/south-Asia-Regional-Brief>, on 19 November 2013. Also Gouranga Lal Dasvarma, 'Population and Environmental Issues in South Asia'. South Asian Survey, 2013 10<sup>th</sup> Edition.p.64.

		available)		
<b>Afghanistan</b>	32.4	n.a.	n.a.	172
<b>Sri Lanka</b>	20.9	2.0	7.0	97

**Source:** Gouranga Lal Dasvarma, 'Population and Environmental Issues in South Asia'. South Asian Survey, 2013 10<sup>th</sup> Edition.p.64.

The objective of development is to create an enabling environment for people to enjoy long, healthy and creative lives. It should aim at enlarging the choices of the people.<sup>22</sup> The development in Pakistan and India did not help a large portion of their populations to better their lives. The South Asian countries, barring Sri Lanka, are at the bottom in all human development indicators vis-à-vis education, health, human rights, gender equality, child protection and environment. They may, however, be slightly better than Sub-Saharan countries. The largest HIV/AIDS affected population has been reported in India, whereas, Pakistan and Afghanistan have been declared the fast affected regions from Malaria and Polio. The number of malnourished children in the region as a whole rose from 283 million in 1990 to 314 million in 2005.<sup>23</sup> 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.<sup>24</sup>

There is a huge unemployed young population in South Asia, which is vulnerable to negative tendencies, including crimes and terrorism. 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. There is a serious inequality in land and income distribution. The food shortage *per se* is not a problem at present, but the buying power of the poor is the most inhibiting factor.

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<sup>22</sup> Mahbub ul Haq, 'Reflections on Human Development'. Oxford University Press, New York, 1995.p.14.

<sup>23</sup> A Report of the CSIS Global Health Policy Center, 27 July 2010.p.2.

<sup>24</sup> Child Labour Report of ILO 2003.

The existing human development indicators pose a serious challenge to the South Asian nations, particularly 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. *"The battle for human development is going to be won or lost in Asia, because that is where 70% of the developing world's people live. It is essential today that South Asian economies prepare their own national human development strategies, cost them fully and reflect them in their investment and budget frameworks. They should consider freezing their military spending, to release additional resources for human development."*<sup>25</sup> This all will, however, never happen, unless the leadership in Pakistan and India is able to move at an accelerated pace to resolve all the irritants in the way of their mutual relations, in tandem with progress on economic integration, increased social contacts and joint research and development programmes.

### **Economic Impact of Pakistan-India Dispute on the State and People of Kashmir**

The state and the people of Kashmir have suffered the most, due to non-resolution of Kashmir issue. It is ironic that people of the very state, which is at dispute, were excluded from the debate to decide their future, once the British handed over the state to Dogra Maharaja Gulab Singh in 1846, and now in 21<sup>st</sup> Century, 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 South Asian Economic 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, although military expenditures contribute to the size of the economy." The writer of this paper hails from the area,

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<sup>25</sup> Mahbub ul Haq, 'Reflections on Human Development'. Oxford University Press, New York, 1995, pp.93-94.

which lies exactly on the Line of Control (LoC) in Azad Jammu & Kashmir (AJK), the part of Kashmir under Pakistan's control. Therefore, what is being reflected in this paper is not mere compilation of figures collected from research papers, although an effort has been made to cite the most authentic and unbiased ones. It also reflects the personal experience and observation, being the State Subject. A glimpse of the damage being done to the State of Kashmir, owing to the on-going dispute, is reflected in the following paragraphs:-

- **Natural Resources**

Kashmir is blessed with exquisite natural beauty. It has the world's highest peaks, laden with invaluable glacial reservoirs of water, sufficient forests with rare wild life, enough water resources; if they are well managed, and abundant un-explored/un-exploited minerals. The worst impact of Pakistan-India military confrontation is on the natural resources of Kashmir, which are fast depleting. Owing to employment of over six hundred thousand troops by India and over hundred thousand by Pakistan in Kashmir, there is huge pressure on glacial meltdown. The soldiers on both sides of LoC use kerosene oil, diesel and petrol, which are causing environmental warming. Since kerosene oil has become costly, they chop off thousands of trees every year – this is apart from the damage done by people of Kashmir themselves - which is rendering the State an extreme damage in the form of deforestation. Mahatma Gandhi warned more than six decades ago, "What we are doing to the forests of the world is but a mirror of reflection of what we are doing to ourselves and one another."<sup>26</sup>

- **Lack of Water Management**

The five main rivers - Indus, Jhelum, Chenab, Ravi, Sutlej and Beas - have their origin in the State of Kashmir. Due to non-

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<sup>26</sup> Mohandas Karamchand Gandhi, known as Mahatma Gandhi, an Indian sage and politician; quoted in 'Roadmap to World Development Report 2003.p.13.

resolution of Kashmir issue, enormous potential of water preservation and electricity generation goes wasted. Both Pakistan and India are considered the water scarce countries. It is feared that water can turn out to be a major source of Pakistan-India conflict in future. The rivers, which we saw in our childhood in Kashmir, flowing with clean and brimming water, are now becoming streams, containing pollutants and filth. The security dilemma of the Subcontinent does not allow managing, at least, whatever is left with us in the shape of natural resources.

- **Stalled Developmental Process in Both Parts of Kashmir**

Both parts of Kashmir, particularly IHK, remain underdeveloped. The South Asian Economic Survey 2013 depicts the following dismal picture of the IHK. Kashmir is the poorest state of the Union, but larger than that of seven other states. It has the lowest density of roadways in India. There is no railway link beyond Jammu, even to the capital Srinagar. Security considerations have limited the development of telecommunications, as the security forces were not ready till mid 2003 even to consider allowing cellular telephone network (mobiles) in the state. The literacy rate in 2011 was 68.7%. The state's economy is agriculture-dependent and industry provides only 5.7% of the GDP.<sup>27</sup> Debitta and Seema<sup>i</sup> have portrayed the deplorable condition of IHK in these words:

“J & K never faired among the most developed states of India. The costs of the conflict have been increasingly unbearable for all involved. According to official estimates (Indian), some 40,000 lives have been lost since the onset of insurgency in 1989, though other estimates put the toll much higher. Large scale displacements from different parts of the state is an integral part of Kashmir conflict. An estimated one million people have been displaced. Other humanitarian costs include negative impact on women and other vulnerable groups and a noticeable increase in the psychiatric problems

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<sup>27</sup> South Asian Survey, 2013 10<sup>th</sup> Edition.p.358.

of the victims. For instance, the number of patients visiting hospitals in Srinagar for psychiatric disease in 2003-2006 amounted to staggering 45,000. The conflict has also cost Indian Government heavily in terms of the deployment of security forces as well as financial responsibilities. The economic cost of the conflict cannot be confined to a particular sector of industry or investment prospects. It has affected important sources of the livelihood of the local people, such as tourism, horticulture and handicraft industries. Tourism, one of the main industries in Kashmir Valley, has suffered tremendously due to violent activities. It has declined substantially since the late 1980s. The number of tourists visiting the state per year had gone down from around 70, 00,000 in the pre-insurgency days to a few thousands in the following years. It is estimated that the State lost 27 million tourists from 1989 to 2002, leading to revenue loss of \$3.6 billion. ”<sup>28</sup>

The condition of Azad Jammu & Kashmir (AJK) is slightly better than IHK, as far as developmental indicators are concerned. AJK is the most peaceful part of Pakistan, safe from terrorism, sectarian violence and internal unrest. It has the best literacy rate, as compared to any other province in Pakistan. The electricity, schools and colleges are available even in the remotest areas of AJK, except the areas closer to LoC, where human development indicators are simply poor. Everything is, however, not fine even in this part of the State as well. Owing to the principled stand of Pakistan on Kashmir – it is a disputed territory, whose fate is to be decided by the people of Kashmir in a free and transparent plebiscite under the auspices of United Nations – the people of AJK do not have any representation in the Parliament of Pakistan, therefore, they have no say in the formulation of national policies, including the policies on Kashmir. Similarly, the financial assistance to AJK is decided on year to year basis and there is no specific criterion to determine

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<sup>28</sup> Debitta Aurobida Mahapatra and Seema Shekhawat, ‘The Peace Process and Prospects for Economic Reconstruction in Kashmir’, *Peace and Conflict Review*, Vol-3, Issue, 2008.pp.1-5.

as to how much developmental funds should be provided to the Government of AJK. It causes a sense of deprivation and alienation in AJK, particularly among youth. The leaders of AJK, particularly Sardar Abdul Qayyum Khan and Sardar Atiq Ahmed Khan<sup>ii</sup>, the former prime ministers of AJK, had strongly been advocating over the years that, though there had never been any ambiguity in the minds of the majority of people of Kashmir about their natural affinity and homogeneity with the people of Pakistan, yet this allegiance should not be taken for granted and the successive governments in Pakistan should stay focused on the issue of Kashmir lest they lose the advantage, which the veterans of Kashmir movement have offered them on a platter.<sup>29</sup>

- **Continued Insecurity and Uncertainty**

The people of Kashmir, on both sides of LoC, live in a perpetual state of insecurity and uncertainty. They suffer from an acute sense of deprivation, frustration, identity crisis and lack of any hope for future on their own. They waited for too long, pinning their hope in the UN Resolutions of 1950s; which promised them a chance to decide their future. Then, they picked up arms in 1990s, laid down over 90,000 lives in the hands of Indian forces. India, taking advantage of 9/11, has not only fenced the entire LOC, but also littered around hundreds of thousands of land-mines<sup>iii</sup>, both anti-tank and anti-personnel, on breadth and length of LoC. Kashmiris are now in a new phase of struggle, which is non-violent in nature but ferocious in passions. It appears that both Pakistan and India are misreading or under-estimating the strength of their struggle. If justice is not done to the people of Kashmir, this struggle can take any shape, which may not auger well for peace and stability of South Asia and the world at large.

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<sup>29</sup> Interview with Sardar Atiq Ahmed Khan by the author and Brigadier Muhammad Khurshid Khan, at NDU on 16 July 2013.



## **Resolution of Kashmir Dispute – The Potential Areas of Economic Cooperation and Dividends**

The researcher is of the view that true economic potential of South Asian region is yet to be exploited. This region has never found a conducive geo-political and geo-economic environment, which could allow it to emerge as a prosperous part of the world. The space of the paper does not allow digging deep in the history and presenting the colonial mind-set about economic dependency of the native Indians. The political imperialism might have died down, but the region has yet to emancipate itself from chronic economic dependency. Just to allude, South Asia is the biggest importer of the US and European arms and ammunition. It is also under unbearable international debt burden. How long the region would continue on this path, the leaders of South Asia have to decide. There is no extraordinary wisdom required to understand the potential benefits of, at least, embarking upon the path to peace and tranquility. What is required, indeed, is the sincerity of purpose and no more betrayals. “No big bang change in South Asian geo-political environment can be expected”, as rightly remarked by the Indian High Commissioner to Pakistan.<sup>30</sup> What Pakistan and India and other South Asian nations can do are the small steps, which would lead to rapid normalization of relations and integration of the region. Sardar Atiq’s concept of ‘process versus product’ is equally illuminating. He said that “the general tendency in Pakistani and Indian approaches to address mutual disputes, particularly Kashmir Issue, is that we jump to the conclusions. What is required instead is to focus sincerely on the ‘process of dispute resolution’. If the processes are correct, the products would naturally be of a quality and acceptable to all stakeholders. If we impede the process right at the outset, we cannot even expect the emergence of any output, let alone the quality products.<sup>31</sup> If intensions are positive, a progress can be made

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<sup>30</sup> Mr. TCH Raghwan, the Indian High Commissioner to Pakistan, delivered an articulated speech on the topic ‘Stability in South Asia-Indian Perspective’ to the participants of National Security Workshop-15, at NDU Islamabad, on 18 December 2013.

<sup>31</sup> Interview with Sardar Atiq Ahmed Khan by the author and Brigadier Muhammad Khurshid Khan, at NDU on 16 July 2013.

in all three dimensions, in tandem: one, the conflict management, by holding serious talks among all South Asian nations and China about security situation in this region and, thereby, reducing the risks of wars; two, conflict resolution, by engaging in process of sustained dialogue with all stakeholders in Kashmir, in order to help resolve this issue on the basis of justice and equity; three, economic integration of the region, by focusing on the following a few potential areas of economic cooperation, particularly in and around the State of Jammu and Kashmir:-

- **Declaring Kashmir as a ‘World Ecological Heritage’**

As highlighted in the preceding paragraphs, the state of Kashmir possesses some of the unique features in the world. Kashmir has the world’s most beautiful natural landscape, for which it is generally called as ‘Paradise on Earth’. The world’s top three mountain ranges Himalaya, Karakorum and Hindukush are located in Kashmir.<sup>iv</sup> Some of them are laden with precious reservoirs of water in the shape of glaciers, which are fast depleting, mainly because of the presence of Pakistan-Indian forces, apart from other global warming factors. Pakistan and India should take bold steps to sign an agreement and withdraw their forces to the positions prior to Siachin Dispute i.e. where they were in late 1970s. Similarly, India should drastically reduce its forces from IHK and vacate orchards, forests and Government buildings occupied by them. Both Pakistan and India should strictly put a ban on their soldiers in order to stop them from chopping off trees, which they are using as a fuel. Governments of AJK and IHK need to do away with the parts of Forest Departments, which they use for generating state revenues, by chopping off precious trees, like timber, nuts and deodar etc. The UN and international community should work towards the conclusion of agreements to declare Kashmir as a ‘World Ecological Heritage’, so that whatever is left in the Nature, in the form of forests, wild life, flora and fauna, as well as the water reservoirs, should not only be protected but also promoted.

## **Joint Water Management Projects**

Both Pakistan and India are water scarce countries. We come across repeated allegations and counter-allegations about violation of the Indus Basis Treaty, which mainly deals with the rivers originating from Kashmir. It would be highly prudent approach to work out the plans under the auspices of UN and international donors, which should be undertaken jointly by Pakistan and India on both sides of LoC, so that an effective mechanism for management of available water can be evolved. Once both the countries and the world community at large fear the risks of a war on water between Pakistan and India - the nuclear states - why no initiatives are taken to push both the states for mutual agreements, and thereby, joint management of water is beyond comprehension.

- **Joint Electricity Generation Projects**

The natural corollary to joint water management would be the joint electricity generation projects. India has gained a substantial experience in the generation of electricity, especially with cheap imports from China, as alluded to by Indian High Commissioner as well.<sup>32</sup> This is one area that the UN and international donors can help in a big way to invest in joint electricity generation projects, particularly in the State of Kashmir, which on completion can be handed over to the governments of both parts of Kashmir, with a joint controlling mechanism.

## **Tourism**

“There are virtually too little tourists’ exchanges in South Asia, particularly between Pakistan and India.”<sup>33</sup> The Subcontinent is extremely rich in historical heritage, ancient civilizational effects and exquisite geographical landscape. Kashmir itself is called ‘the

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<sup>32</sup> Mr. TCH Raghwan, the Indian High Commissioner to Pakistan, delivered an articulated speech on the topic ‘Stability in South Asia-Indian Perspective’ to the participants of National Security Workshop-15, at NDU Islamabad, on 18 December 2013.

<sup>33</sup> Ibid.

Switzerland of Asia'. Owing to continued dispute on Kashmir, this beautiful state is still out of sight for the people of the world. It deprives the people of Kashmir, on both sides of LOC, of a genuine source of income and the visitors the most beautiful resorts to relish in their leisure moments. It is again a potential area of joint cooperation between Indian and Pakistan, on which a rapid progress can be made. All road and railway links between Pakistan and India need to be opened, with a relaxed visa regime/permit system. At least, it should be done in the state of Kashmir without delay.

- **Special Infrastructure Projects in Kashmir**

The state of Jammu and Kashmir, as a whole, and the people of the state are the worst victims of India-Pakistan confrontation. Large portions of the population, particularly closer to LoC, live in a miserable state and abject poverty. Scarcity of roads, hospitals, educational and vocational institutions, and avenues for honorable means of earning impinges upon their lives heavily. Sixty six years of a dispute are enough to make a community sick of hostile environment. It is the reason that a large scale displacement has taken place in IHK and migration to various cities of Pakistan from AJK, particularly after the October 2005 Earthquake. Let the world bodies, like the UN and international human rights groups, take cognizance of human development indicators of the state of Kashmir, especially in the areas closer to LoC, and sponsor projects for the development of infrastructure, hospitals and schools. The progress needs to be made at an accelerated pace with the involvement of all stakeholders, to start with special developmental packages.

- **Promotion of Trade in Complementary Goods**

One of the reasons for low trade between Pakistan and India is that most of the items on trade list fall in the category of competitive goods. Hence, the traders, particularly of Pakistan, fear that in case of free trade, their markets would be saturated with the products of other countries, rendering the local products un-sellable. There are a number of areas, where all the countries of the region can find complementary items to trade with each other. For instance,

Kashmir offers a great potential for dairy products and other Kashmir specific products. Since the State is blessed with lush green mountains and valleys; it has abundant pastures for livestock breeding. The only hindrance is that the mountains and forests are infested with a large number of army personnel from India, estimated to be over 600,000, besides huge stocks of minefields and mines thrown in open by the Indian army, miles away from their military camps.<sup>v</sup> The potential for investment in the livestock is available in each part of Pakistan, which can really bring about 'White Revolution' of dairy products, which the poor population of South Asia and the world as whole can benefit from. Similarly handicraft, wood-carving and horticulture belong to traditional cottage industry of Kashmir, which is not only fast depleting but also disappearing. The traders from Pakistan and India need to find out avenues for joint investment, in order to give a new lease of life to these industries.

- **Disaster Management**

Disaster management is another potential area of mutual cooperation among South Asian nations. The earthquake of the October 8, 2005 in AJK and Hazara Division of Khyberpukhtunkhwa province of Pakistan should have served as an eye opener for all South Asian nations. T. Rossetto and Peiris<sup>vi</sup> reported that "in Pakistan alone 72,763 people died and 68,679 were seriously injured. In total the violent ground shaking caused damage to more than 450,000 buildings, leaving about 2.8 million people without shelter."<sup>34</sup> Had the Pakistan Army, the people of Pakistan and the international community not moved in to help rescue the people, the death toll would have been much higher and recovery and rehabilitation impossible. It demonstrated clearly how important it is that Pakistan and India empathize in such situations and work collectively. Over 6 00, 000 Indian troops were located a few miles away across LoC from the places of disaster, but they could not offer any help, owing to never ending animosity. If Indian and Pakistani

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<sup>34</sup> T. Rossetto · N. Peiris, 'Observations of damage due to the Kashmir earthquake of October 8, 2005 and study of current seismic provisions for buildings in Pakistan'. Springer Science+Business Media B.V. 2009.

troops can operate together on the African soil, for instance Sierra Leone, under the UN umbrella, what bars them to evolve some mechanism, whereby, they may join hands to help the poor people, at least, in rescue, relief and rehabilitation efforts, in a situation of natural tragedies. The floods in Bangladesh, Pakistan and India in recent years also provide an ample evidence for a need to plan in advance, for mitigating the effects of natural disasters. Earthquakes, floods, droughts and hurricanes are now, as compared to the past, a frequent phenomenon. It is strongly felt that all South Asian nations and even China should work out some joint disaster management mechanism, augmented by allocation of funds, for meeting the challenges posed by natural calamities.

- **Moratorium on Military Expenditures**

As discussed earlier, South Asian countries China and Middle East waste over \$350 billion per year on military expenditures. Even if 1/20<sup>th</sup> of these expenditures is spent on the development and prosperity of human beings, the region can lift a large portion of its population from the abyss of poverty. Statistics indicate that Pakistan has frozen its military expenditures, apart from inflationary increases, for the last two decades, whereas, India and China are on the reverse path.<sup>35</sup> One country cannot be expected to go on peace path all alone, if other countries in the region continue their march on the road to militarism and belligerency. It would, therefore, be the most substantial step towards economic uplift of the region, if India, Pakistan and China may enter into some sort of security pact or, at least, a moratorium on military expenditures, nuclear escalation and, more ideally, moving towards 'no war pact' and reduction of not only military expenditures but also huge stockpiles of arsenal and armies.

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<sup>35</sup> The Military Balance, Chapter Six: 'Asia', Published online: 14 Mar 2013. Accessed through <http://www.tandfonline.com/loi/tmib20>. These are percentages of total spending of Asia in 2011 and 2012.

## Conclusion

The resolution of disputes like Kashmir, where the sentiments of millions of people have been conditioned to particular stances, is never easy. This issue is, however, not intractable, as commonly perceived, because the truth is well known to all stakeholders and so does the legitimacy of the cause. Pakistan and India can move fast towards the resolution of Kashmir dispute, if they both accept the centrality of the people of Kashmir in the issue, as both the nations as well as UN have promised them time and again that they would be provided with a chance to decide their own future.

Kashmir can become a 'Geneva' for South Asian nations, if Pakistan and India shun their narrowly defined concept of national interests and intransigence in their approaches to resolve issues. No extraordinary wisdom is required to understand the potential economic benefits, which can accrue to all the nations, if the issue of Kashmir is settled, somehow on the basis of justice and equity. All the canons of justice indicate that injustice has been done to the state and people of Kashmir, which continues to impact on all spheres of socio-economic life in the subcontinent. Justice is the only principle, which should impel the human conscience to help mitigate the sufferings of the people of Kashmir.

However, a peaceful resolution of the dispute, acceptable to all stakeholders, would need both passion and patience. 'Passion' to see it as a human tragedy, due to which not only the people of Kashmir are suffering, but also the multitudes of people in Pakistan and India and entire South Asia are paying a heavy price. Continued enmity amongst South Asian neighbors and China has put the peace of entire South Asia in jeopardy, apart from wastage of trillions of dollars, which can be spent on the amelioration of the lives of people. It is also a case of passions for the collective good of the humanity. Enormous prospects of development and progress await this region, provided their leadership, academia and media display courage and foresight. In an integrated and prosperous region, the geographical borders become automatically irrelevant and people own and share whatever is good in the entire region. There is also a need for

showing 'patience' and belief in the process of dialogue, sticking to it and pursuing it with vigour and sincerity. That is the only course open to India, Pakistan and the people of Kashmir. Any other means to achieve the ends are fraught with risks of mutual destruction.

## Endnotes

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<sup>i</sup> Debitta Aurobida Mahapatra and Seema Shekhawat have worked extensively in IHK and they have firsthand experience of prevailing conditions in there. Their views on Kashmir contain substance, not tinted with typical biases, which is generally the tendency of India-Pakistan writers.

<sup>ii</sup> Sardar Abdul Qayyum Khan, the Supreme Head of All Jammu & Muslim Conference, former President and Prime Minister of AJK, is an extremely respected politician and a veteran of 1947-48 Kashmir Liberation War. He is considered an authority on Kashmir Dispute and its intricacies. Sardar Atiq Ahmed Khan, the President of All Jammu & Muslim Conference and former Prime Minister of AJK, has also a deep insight on the Kashmir issue. His views are eagerly sought after, both in Pakistan and at international forums.

<sup>iii</sup> The writer personally saw the land-mines, laid without any demarcation, which have caused numerous casualties in AJK. He also met a number of men and women, who lost their limbs because of these mines. The locations can be shared with anyone, interested seeing them on ground. It is seen as in Kashmir as a clear violation of the UN conventions on the prohibition of land-mines.

<sup>iv</sup> The people of Kashmir consider the whole of Kashmir, as it existed before the partition of Pakistan and India in 1947, as one state, whose final fate is yet to be decided, by none else but the people of Kashmir themselves.

<sup>v</sup> This writer personally came across such mines, being a native of the Kashmir state. A number of retired soldiers from his village reported that they heard Indian officers and soldiers saying in 1971, "even if we quit Kashmir, its land will fight with you for decades." They were right, because hundreds of people have lost their limbs and lives thereafter. During the insurgency in 1990s, Indian Army has literally littered around hundreds and thousands of mines at the length and breadth of areas closer to LoC, which take the lives and limbs of the poor shepherds, who get closer to LoC, chasing their sheep and goats or cutting grass for their cattle.

<sup>vi</sup> Both the researchers participated in relief operations in all affected earthquake areas and collected extensive data on damage caused by the 8 October 2005 Earthquake.



## **Conflict Transformation: The Role of Media in Kashmir**

Ehsan Mehmood Khan\*

### **ABSTRACT**

*Conflict is embedded in the structure of a state and society. Structure creates contradictions, and thus conditions, that produce agents for change. Gradually, it evolves into an unending struggle between the structure and agency (ies) for retaining and changing the status quo respectively. Conflict environment complicates with the passage of time. Conflict management is only a transitory measure, whereas, conflict resolution is a difficult probability in most cases. Conflict transformation provides for a long term solution by transforming the environment over which the conflict breeds. A number of approaches have been discussed by the peace and conflict scholars heretofore. Media has a noteworthy role to play in conflict transformation by building constructive images and perceptions in the cognitive space.*

*The drivers and trends of no two conflicts are wholly similar or comparable. Each conflict has its own construct of contradictions and grievances created by the structure. Kashmir is no exception. Due to the complexities of Kashmir dispute and the nature of relationship that media has with the conflict parties, it has not been able to play an optimistic role, to say the least. In addition to these issues, this chapter also contains a framework that media in India and Pakistan may follow for conflict transformation.*

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## **Conflict Transformation: The Role of Media in Kashmir**

*"There are still humans around in our conflict-ridden world."*

– Johan Galtung<sup>1</sup>

### **Contextualising Transformation**

**C**onflict is embedded in the structure of a state and society. Structure creates contradictions, and thus conditions, that produce agents for change. Gradually, it evolves into an unending struggle between the structure and agency (ies) for retaining and changing the status quo respectively. Contradictions are often anchored in geographical, historical, economic, social, political and ideological conditions. According to Johan Galtung, conflicts have both life-affirming and life-destroying aspects. Formed from contradictions, they become manifest in attitudes and behaviour. Once formed, they undergo a variety of transformational processes: articulation or disarticulation, conscientisation or de-conscientisation, complexification or simplification, polarisation or depolarisation, escalation or de-escalation.<sup>2</sup>

The conflict theories proffer workable frameworks to understand the course a conflict usually takes, and how it can lead to enduring peace. Conflict management, resolution and transformation are different processes, though may not be mutually exclusively. While conflict management involves the process to prevent clash or collision between the parties, conflict resolution aims at ending the conflict by means of a negotiated settlement, accord or agreement. Conflict management does not promise an enduring peace, while conflict resolution is not easy. Conflict transformation provides for an intermediate, though protracted, answer. Simply put, it is the process involving transformation of the conflict environment, alteration of the contending positions and evolvment of a new relationship within and between the parties. Consequently, this works not only towards tiered transitory management in the short-

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<sup>1</sup> Johan Galtung, *Peace by Peaceful Means: Peace and Conflict, Development and Civilization* (London: Sage Publications, 1996), 72.

<sup>2</sup> *Ibid*, 90.

to-medium term, but may also lead to conflict resolution in the long-term. Conflict transformation is a dynamic process that contends with a number of contradictions, using non-kinetic and often non-traditional softer means.

A convincing comparison between conflict resolution and conflict transformation perspectives drawn by John Paul Lederach is given in Table 8.1.<sup>3</sup>

**Table 8.1:** Resolution and Transformation: A Brief Comparison of Perspective

<b>Factors</b>	<b>Conflict Resolution Perspective</b>	<b>Conflict Transformation Perspective</b>
The key question	How do we end something not desired?	How to end something destructive and building something desired?
The focus	It is content-centred	It is relationship-centred
The purpose	To achieve an agreement and solution to presenting problem creating the crisis.	To promote constructive change processes, inclusive but not limited to immediate solutions.
The development of process	It is embedded and built around the immediacy of the relationship, where the presenting problems appear	It is entered with responding to symptoms and engaging the systems within which relationships are embedded.

<sup>3</sup> John Paul Lederach, *The Little Book of Conflict Transformation*, Good Books, USA, 2003, quoted in Syed Imran Sardar, 'Conflict Transformation: Approach to Indo-Pak Conflict', *Regional Studies*, Islamabad, Volume XXVI, No. 4, [Autumn 2008] 7.

Time-frame	The horizon is short term.	The horizon is mid to long range.
View of conflict	It envisions the need to de-escalate conflict processes.	It envisions conflict as a dynamic of ebb (conflict de-escalation to pursue constructive change) and flow (conflict escalation to pursue constructive change).

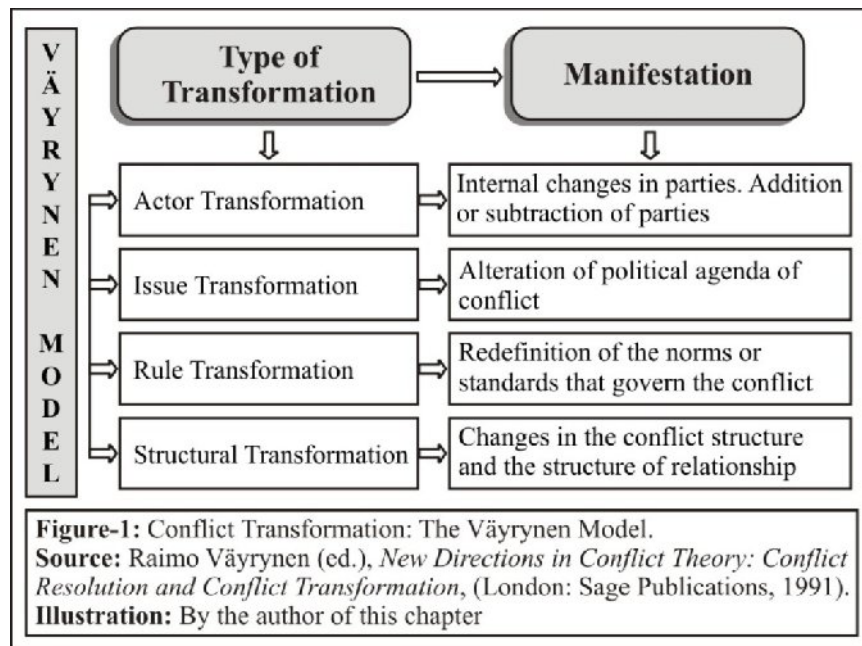
**Source:** John Paul Lederach, *The Little Book of Conflict Transformation*, Good Books, USA, 2003, quoted in Syed Imran Sardar, 'Conflict Transformation: Approach to Indo-Pak Conflict', *Regional Studies*, Islamabad, Volume XXVI, No. 4, (Autumn 2008)7.

During the 1990s a number of theorists, such as Galtung, Rupesinghe, Schwerin, Spencer, Väyrynen and Lederach, showed intellectual inclination towards peace and conflict studies literature in the form of conflict transformation. *Inter alia*, Johan Galtung (2000) has proffered the 'Transcend Method' for conflict transformation, involving the peace thoughts and approaches of various religions, to include Islam, Hinduism, Buddhism, Christianity, Daoism and Judaism.<sup>4</sup> Johan Galtung suggests that diagnosis-prognosis-therapies triangle should be used in the process of achieving peaceful means. He believes that the causes, conditions and context of the conflict are to be sought in six spaces – Nature, Human, Society, World, Time and Culture.<sup>5</sup> Raimo Väyrynen gives objective and analytical classifications of conflict transformation. He categorizes it into *actor*, *issue*, *rule* and *structural* transformation. *Actor transformation* includes internal changes in parties to the conflict or appearance of new parties on the conflict horizon i.e. addition or subtraction of parties. *Issue transformation* works towards modification of the agenda of conflict. This signifies the context of the conflict. *Rule transformation* involves change in the

<sup>4</sup> Johan Galtung, *Conflict Transformation by Peaceful Means: The Transcend Method* (New York: United Nations Disaster Management Training Programme, 2000).

<sup>5</sup> Quoted in Marija Todorović, 'Peace by Peaceful Mean: Book Review', *Western Balkan Security Observer* [July-September 2010]: 105-109.

rules, standards or principles governing the conflict. *Structural transformation* attempts to alter the conflict structure *per se* and the structure of relationship, thereby, transforming the power distribution of the conflict environment.<sup>6</sup> The Väyrynen Model has been illustrated in Figure-1.<sup>7</sup>



Väyrynen adds that, while conflict transformation happens intentionally, it can also happen unintentionally. This unintended transformation process is normally a by-product of the broader

<sup>6</sup> Raimo Väyrynen (ed.), 'To Settle or to Transform? Perspectives on the Resolution of National and International Conflicts', in *New Directions in Conflict Theory: Conflict Resolution and Conflict Transformation*, (London: Sage Publications, 1991), 1-25.

<sup>7</sup> Adapted from *ibid* as quoted in Johannes Botes, 'Conflict Transformation: A debate over semantics or a crucial shift in the theory and practice of peace and conflict studies?' *The International Journal of Peace Studies* [Autumn-Winter 2003], Volume 6, Number 2.

social and economic changes that the actors within a conflict neither planned nor could avoid, but to which they have to adjust.<sup>8</sup>

John Paul Lederach gives four dimensions that should be taken into consideration in order to transform systems, which are as follows: *Personal* i.e. transformation of emotional, perceptual and spiritual domain of the conflict; *Relational* i.e. transformation in interaction and inter-dependence of the conflict parties; *Structural* i.e. transformation of the administrative or decision-making structural system; and *Cultural* i.e. the socio-cultural pattern or behaviour towards realizing and responding to the conflict. Lederach's thesis is somewhat similar to that of Väyrynen, barring the difference of terminology.<sup>9</sup>

### **Conflict Transformation and the Kashmir Dispute**

Theories play a momentous role in steering the course to studying and analyzing a conflict from different angles, including transformation. Theories take birth out of the real world situations and need to be continually adjusted to the emerging situations and phenomena, including the nature and changing character of conflict. The actor, issue, rule and structural transformations are applicable to Kashmir just like any other conflict. However, the transformational process needs to go beyond these generally considered yards. It is, perhaps, attitudinal, behavioural and perceptual transformation on part of the international community and the contending parties that may serve the cause of the conflict transformation in case of Kashmir. There is a need to bring perceptions in line with the realities. It would consequently contribute to the relationship change, which is the centre-piece of conflict transformation theory.

To determine the case of Kashmir, there is a need to view the large map of Pakistan-India environment through the prism of

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<sup>8</sup> Ibid.

<sup>9</sup> John Paul Lederach, 'Journey from Resolution to Transformative Peacebuilding', in Cynthia Sampson and John Paul Lederach, eds., *From the Ground up: Mennonite Contributions to International Peacebuilding* (New York: Oxford University Press, 2000).

transformation negatives and positives with retrospective-futuristic linkage. Table 8.2 shows but one archetype.

**Table 8.2:** Transformation: A Comparative Perspective on India-Pakistan Context

<b>Expression</b>	<b>Transformation Negatives</b>	<b>Transformation Positives</b>
History	Historical memories of the Muslims rule.	History of dwelling together in the same country and shared neighbourhoods.
Partition	Partition of the subcontinent in 1947.	Prospects of mutually beneficial inter-state relationship.
Religion	Islam (monotheistic) and Hinduism (polytheistic) are antithetical to each.	Both have co-existed for centuries. India is still an abode to millions of Muslims.
Conflicts	Conflictual history: territorial and non-territorial disputes.	Urge for a conflict-free future.
Wars	History of wars, war-like situations and intrusions.	Geographical proximity; cannot change neighbours.
The core issues	Complexity of the core issue of Kashmir.	Peace prospects, efforts and desire.

**Source:** Tabulated by the Author

The drivers and trends of different conflicts are not wholly similar or comparable. Each conflict has its own construct of contradictions and grievances created by the structure. Kashmir is no exception. It is comparable only with itself. The conditions that drive the conflict are rooted in the structural violence, steered by the politico-constitutional make-up, security construct and historical wrongs. It is the core issue between India and Pakistan, and plagues the entire conflict map of South Asia. It is a peculiar case of



contradictions, grievances and political discrimination. This conflict has been the cause of, at least, one full-scale war i.e. the 1965 India-Pakistan War, two wars limited to Kashmir i.e. the 1948 Kashmir War and the 1999 Kargil Clash, a number of skirmishes, continuous employment of Indian and Pakistani forces along the Line of Control (earlier known as the Cease-Fire Line), and quite a few border escalations and military stand-offs, creating warlike conditions.

The Kashmir dispute is getting to the platinum jubilee and, if we go by Stephen P. Cohen's inferences, it is likely to shoot for a century (1947-2047).<sup>10</sup> It may go even beyond, if we credit the Prime Minister of Pakistan Zulfikar Ali Bhutto, who talked of a "Thousand Years War" with India in 1971.<sup>11</sup> The contending statements given by the otherwise calm prime ministers of the two countries in December 2013 are also worth noting. On December 3, 2013, Mian Muhammad Nawaz Sharif, the Prime Minister of Pakistan, said, "Kashmir is a flashpoint and can trigger a fourth war between the two nuclear powers at anytime."<sup>12</sup> In response, Manmohan Singh, Prime Minister of India, said, "There is no scope of Pakistan winning any such war in my life-time."<sup>13</sup> It may be noted that the Indian premier did not refute the chances of war and only thought in terms of the result of such a war, if it triggered. Next day, the office of the prime minister of Pakistan denied the report saying, "The prime minister never uttered these words and the report is baseless, incorrect and based on malafide intentions."<sup>14</sup>

In any case, it is already a chronic conflict calling for the world attention with each tick-of-the-clock due to the nature of human sufferings. Kinetic attempts have failed to resolve this conflict, even though it has evolved into a nuclear flashpoint and

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<sup>10</sup> Stephen P. Cohen, 'Shooting for a Century: Finding Answers to the India-Pakistan Conundrum' (New Delhi: HarperCollins Publishers, 2013), xi.

<sup>11</sup> Afsir Karim, 'Indo-Pak Relations: Viewpoints', 1989-1996 (New Delhi: Spantech & Lancer, May 1996), 89.

<sup>12</sup> "Kashmir a flashpoint for another India-Pak war", Nawaz Sharif says, 'The Times of India', December 4, 2013.

<sup>13</sup> Mariana Baabar "Pakistan can't win war against India in my lifetime: Manmohan", 'The News International', December 5, 2013.

<sup>14</sup> Ibid.

over half a million Indian military personnel with no less paramilitary, police and intelligence personnel are currently employed in Kashmir. Conflict resolution approaches have not worked to settle the issue. Conflict is, by and large, being 'managed', to say the least Conflict resolution in the near future is not in sight, and conflict transformation is not understood in spirit and essence. Each party to the conflict tries to transform the environment, in keeping with its own interests. The Kashmir dispute is also an asymmetric conflict from many angles – a feature that adds to its complexity. It is a protracted and multi-party conflict, encompassing all levels to include, local (Kashmiri), national (India and Pakistan), regional (South Asia) and international (being on the UN agenda since 1948). Given the dynamics of conflict, its international status and significance cannot be relegated to local or bilateral. Kashmir is also a case of inter-generational cycle of conflict, as the causes, context and conditions of the conflictual environment are passing from one generation to the next.

Long term conflict management may not work. It is a dangerous proposition in case of drawn out conflicts, wherein, peace is merely fill-in-the-blanks activity amidst hostility, discord and intermittent military encounters. The enduring nature of conflict spread over decades also speaks of somewhat fixed contending positions of the parties, intricacy of the issues and complexity of the relationship. Conflict management and conflict resolution involve dialogue after dialogue to frame and re-frame the contending narratives and bring the parties to a point of convergence. Conflict transformation, on the other hand, involves transformation of conditions, rather than contentions, and the environment in which the conflict propels. Thus, it is more prudent and practicable for transformation of the conflict environment, so as to change the relationship rather than positions.

Viewing it in the light of Johan Galtung's theory, the causes of Kashmir dispute exist unalterably. The conflict empiricism shows that with the passage of time, the conflict, *per se*, becomes the cause

of conflict.<sup>15</sup> It points to the conditions evolving into the causes. Conditions, in case of Kashmir, are becoming harder and harder, due to the kind of internal conflict handling by India. There is a serious issue with the context of the conflict. The context is academic equivalent of issues, as envisioned by Raimo Väyrynen. Issue transformation is important, but becomes dangerous, when considered in complex cases like Kashmir. Nevertheless, media has been used for decades as a tool to change the context in the international cognitive space. This is a case of negative transformation, something that hardens the contending positions of parties, worsens the human security conditions and keeps the case of conflict alive.

There is a need to have a look at the genuine context of the Kashmir dispute, which is combination of a number of issues. *First*, it is an international dispute pending resolution at the table of the United Nations, necessitating plebiscite. The UN resolutions that bear testimony to the fact are as follows: UN Resolution-38 dated January 17, 1948; UN Resolution-39 dated January 20, 1948; UN Resolution-47 dated April 21, 1948; UN Resolution-51 dated June 3, 1948; UN Resolution-80 dated March 14, 1950; and UN Resolution-96 dated November 10, 1951.<sup>16</sup> Besides, it is home to United Nations Military Observers Group in India and Pakistan (UNMOGIP), the longest surviving UN military observers' mission in the world.<sup>17</sup> What else could bear the evidence of its international character and description? *Second*, it is an inter-state conflict between India and

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<sup>15</sup> The parties often put the original causes on the back-burner and start vying on the contemporary happenings. For instance, a party would avenge fatalities that occurred due to actions of the contending party(ies). Likewise, social and economic events, which take place due to the conflictual conditions, stimulate and reinvigorate the causes of conflict.

<sup>16</sup> 'Security Council Resolutions', United Nations Security Council, <http://www.un.org/en/sc/documents/resolutions/1948.shtml> (accessed December 13, 2013).

<sup>17</sup> The first group of United Nations military observers arrived in the mission area on January 24, 1949 to supervise the ceasefire between India and Pakistan in Jammu and Kashmir. For details, see "Military Observer Group in India and Pakistan", <http://www.un.org/en/peacekeeping/missions/unmogip/> (accessed December 13, 2013).

Pakistan, and is in violation to the all-accepted and all-agreed formula of partition. It is another case that despite its weak position in international legal perspective, India calls it its '*atoot ang*' meaning 'integral part' of the Indian union. Pakistan too justifiably calls it its '*shah rag*', meaning 'aorta.' The letter 'K' of Kashmir is at the core of the word Pakistan. Its inter-state character, however, does not outdo its international linkage. *Third*, regardless of its historical expression and geographical value, it is a human security issue in the main. It pertains to an oppressed community of people, suffering from historical wrongs in a given geographical bound. *Fourth*, Pakistan and India, the two key state parties to the conflict, are nuclear weapons states. The nuclear weapons and other strategic assets of the two countries, evolved out of the protracted hostility with military encounters, are the other critical features. Nuclearization of South Asia surfaced from the same military competition. Since Kashmir is the core dispute between the two nuclear neighbours and both have deployed regular forces along the Line of Control (LoC), Kashmir is understandably the nuclear flashpoint of the region.<sup>18</sup> This in view, the context of the Kashmir dispute needs not be meddled with.

As for the *actor transformation*, there has been constant Indian endeavour to strip off its UN connection, thereby, degrading it from an international dispute to a bilateral issue. The strength of media and academia has been fully exploited to do so. There have been occasional attempts at *rule transformation* in case of the Kashmir dispute. However, no government, in India or Pakistan, can withstand the public pressure. It is difficult to bring in structural transformation without relational transformation, which may come

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<sup>18</sup> In January 2013, Indian government advised the residents of Kashmir through print media advertisements to prepare for nuclear war. "People should construct basements, where the whole family can stay for a fortnight," read the advisory", read the ad. Details of the issue can be found in Gardiner Harris, "India Warns Kashmiris to Prepare for Nuclear War", The New York Times, January 22, 2013; "Indian Kashmir advises people to prepare for nuclear war," The Telegraph, January 22, 2013; and Zaffar Iqbal, "Ad in Kashmir advises people to prep for nuclear war", NDTV, January 23, 2013. This is, indeed, an official Indian recognition of Kashmir as a nuclear flashpoint.

about by means of enhanced interaction in various fields and interdependence of the conflict parties i.e. India and Pakistan. Interdependence may be complex as theorized by Robert Keohane and Joseph Nye.<sup>19</sup>

### **Media as a Catalyst for Transformation**

Media can act as an agent or catalyst for this form of conflict transformation. Media has a great potential to support the democratic processes and peace-building through peaceful means. Media also has ability to incite or invigorate, and to prevent or preclude a conflict. Media can shape the environment in either way, by playing a role in all forms of transformation across all six spaces in the Kashmir dispute – Nature, Human, Society, World, Time and Culture – as theorized by Johan Galtung. There is yet another space, which can be termed as the home ground for media: the cognitive space. This is where perceptual transformation is operationalized by those who own, handle and manipulate media, the effect of which goes across all transformational dimensions i.e. *actor, issue, rule* and *structure*, or in other words *relational, structural* and *cultural*.

The generally understood function of media takes the form of a triad, comprising *information, education* and *entertainment*.<sup>20</sup> However, actual character of media transcends this role. Gadi Wolfsfeld considers that those who run the media tend to favour four values: immediacy, drama, simplicity and ethnocentrism (Table 8.3). This denotes that media facilitates violence, rather than peace, and negative rather than positive transformation.

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<sup>19</sup> Jayantanuja Bandyopadhyaya, 'A General Theory of International Relations' (New Delhi: Allied Publishers Limited, 1993), 234.

<sup>20</sup> Asa Briggs and Peter Burke, 'A Social History of the Media: From Gutenberg to the Internet' (Cambridge: Polity Press, 2009), 179.

**Table 8.3:** Media Focus: Immediacy, Drama, Simplicity and Ethnocentrism

	<b>Media Focus</b>	<b>No Media Focus</b>
<b>Immediacy</b>	Specific actions and events	Long-term processes and policies (as in ongoing peace process, dialogue, or mediation)
<b>Drama</b>	Violence, crisis or conflict, extremist behaviours, outrageous acts	Calm, controlled, moderate people getting along with each other (such as those participating in a dialogue)
<b>Simplicity</b>	Clear-cut opinions, images, major personalities, two-sided conflicts	Complex opinions or explanations, institutions, root causes, multi-sided conflicts
<b>Ethno-centrism</b>	'Our' beliefs, myths and symbols 'Our' suffering The brutality of some 'Other'	'Their' beliefs, myths, and symbols 'Their' suffering, 'Our' brutality to 'Them'

**Source:** Gadi Wolfsfeld, *Media and the path to peace* (New York: Cambridge University Press, 2004). Quoted in (as adapted) Syed Imran Sardar, 'Conflict Transformation: Approach to Indo-Pak Conflict', *Regional Studies*, Islamabad, Volume XXVI, No. 4, (Autumn 2008) 7.

For instance, the state-owned and the government-run media are but an information tool, which is used by them arbitrarily to project their image even at the cost of human security interests. They spread half-truths under the slogan of truth, misinformation in the guise of information, and parochial propaganda in the garb of education and even on the sidelines of entertainment in Kashmir. Most private media houses keep supreme the corporate interest. Thus, many of them play in the hands of the states and other affluent

interest groups to extend their agenda. Such is the case with Indian media, in the case of Kashmir dispute. India has a booming media industry. With more than 70,000 newspapers and over 500 satellite channels in several languages, seemingly India has a great choice and diversity. It is the biggest newspaper market in the world – over 100 million copies sold each day.<sup>21</sup> Notwithstanding the mass and magnitude, the argumentative, analytical and objective reporting and broadcasting is somewhat missing from the curricula of Indian media. Thus, it plagues the entire conflict map of South Asia, including Kashmir. In case of the Kashmir dispute, it is playing a role of inverse transformation, by means of heinous propaganda against the human security needs of the people of Kashmir, and perceptual hammering in line with the rigid official stance of India.

Exploiting the power of media and the fast expanding communication technology, India's state institutions are embarking upon the 'Hyper Reality' of this post-modern era. The concept of Hyper Reality (HR) encompasses to inter-mix virtual reality (VR) with physical reality (VR) and artificial intelligence (AI), with human intelligence (HI) in a way that appears seamless and allows interaction.<sup>22</sup> This is what the Indian polity and military are exhibiting. From 2003-2013, Jammu and Kashmir saw the 'Decade of Ceasefire' along the LoC – the longest haul of the kind since 1948. The situation in Kashmir virtually approximated a transformational stalemate, which was encouraging, compared to the former fiery military exchanges. However, India's politico-military rhetoric and the 'Politics of Terrorism' on Kashmir picked up at the twilight of 15<sup>th</sup> Lok Sabha. The Indian media remained wholly in support of the polity. Thus, when it comes to Kashmir and Pakistan, there seems to be a fine Indian nexus – Polity-Military-Media – which shows convergence of their policy outlook and information narrative at large. India's media hypes started trumpeting the LoC 'violations', 'intrusions' and 'infiltrations' at very critical juncture, when region was under geo-strategic transformation. This has not been without

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<sup>21</sup> "Why are India's media under fire?" BBC News, <http://www.bbc.co.uk/news/world-asia-india-16524711> (accessed December 13, 2013).

<sup>22</sup> John Tiffin and Nobuyoshi Terashima (ed.), 'HyperReality: Paradigm for the Third Millennium' (New York: Routledge, 2001), 1.

consequences for the conflict environment in Kashmir and the region at large.

But the real alarm exists in the fact that the Indian military has started using the Hyper Reality as a tool of societal oppression and institutional glorification simultaneously. In one of such ventures, the Indian Army conducted a ghost operation named 'the Keran Operation' in Kashmir in October 2013. It was an apt display of Hyper Reality. Divergent reports poured in. *The Times of India*, a leading print media house of India, published with reference to the Indian Army Chief: "Army chief Gen Bikram Singh on Tuesday said that a 'desperate infiltration bid' by terrorists in Keran sector in Jammu and Kashmir has been foiled. He sought to clarify that the "infiltration" attempt was not an "intrusion" as the enemy was not occupying higher ground but sitting in a "nallah" (rivulet).<sup>23</sup> The military and media played with the words to make it a high profile case. The Indian Army Chief was selective in use of words: "infiltration, not intrusion." This pointed to vigil against spatial exploits by Pakistan, while Pakistan Army remained "involved" in pushing the irregulars into Indian Occupied Kashmir (IOK). The Indian Army Chief seemed to be desperate to get into a war of words with his Pakistani counterpart, which could not transpire because of mature and measured response from the other side. However, the Indian military was able to make the entire world from Alaska to New Zealand believe that a successful "operation" had been conducted to "thwart" an infiltration attempt. It was another matter that the people of Shalabhatu village in the Keran sector of Kashmir did not know of any such happening. It was yet another matter that the trumped-up story of the operation and credibility of the military was later exposed by the same media.<sup>24</sup> Earlier a military intelligence unit, set up by former army chief General VK Singh, was involved in

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<sup>23</sup> "Desperate infiltration bid in J&K's Keran sector foiled: Army chief", *The Times of India*, October 8, 2013.

<sup>24</sup> For details, see "Army's claim over Keran operations under cloud", *The Indian Express*, October 20, 2013; "Army's claim over Keran operations under cloud", *The Hindu*, October 20, 2013; and "Now, BSF distances itself, says was never part of Keran operation", *The Hindustan Times*, October 21, 2013.



eight covert operations in Pakistan and also attempted to topple the state government in Indian Occupied Kashmir.<sup>25</sup> Media highlighted the issue in some details, as it came to be known, however, it was soon swept under the carpet.

The role of Pakistani media, as regards Kashmir, also needs serious scrutiny. Pakistan has no smaller media, with 91 television channels,<sup>26</sup> 26 foreign television channels, having landing rights to broadcast in Pakistan,<sup>27</sup> 1,292 dailies and periodicals,<sup>28</sup> 171 FM radio channels, including entertainment, commercial and university campus channels,<sup>29</sup> and 64 AM radio channels. Pakistani media, too, seems to have put the case of Kashmir on the back burner.

### **The Current Role of Media: Negative Transformation**

Media is being used to change the context in the cognitive space. The Kashmir dispute is being shown as a bilateral issue between India and Pakistan. Its international character is missing from the curricula of Indian media and the India-influenced sections of international media. More so, all that is being endured by the people of Kashmir in form of human insecurity and human rights

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<sup>25</sup> For further details, see Josy Jeseeph, "Secret military intelligence unit ran 8 covert operations abroad?" *The Times of India*, September 24, 2013; "Army spook unit set up by VK Singh carried out covert ops in Pakistan", *The News International*, September 21, 2013; and S.M. Hali, "VK Singh's covert operations", *The Nation*, October 9, 2013.

<sup>26</sup> "List of Satellite TV Licences Issued by PEMRA", Pakistan Electronic Media Regulatory Authority (PEMRA), [http://www.pemra.gov.pk/pemra/images/docs/stv/list\\_of\\_licences\\_issued\\_stv.pdf](http://www.pemra.gov.pk/pemra/images/docs/stv/list_of_licences_issued_stv.pdf) (accessed December 13, 2013).

<sup>27</sup> "Name of companies /channels obtained landing rights permission", Pakistan Electronic Media Regulatory Authority (PEMRA), [http://www.pemra.gov.pk/pemra/images/docs/landingright/List\\_of\\_Licences\\_Issued\\_LR.pdf](http://www.pemra.gov.pk/pemra/images/docs/landingright/List_of_Licences_Issued_LR.pdf) (accessed December 13, 2013).

<sup>28</sup> Computed from Government of Pakistan, "Newspapers & Periodicals by Province", Pakistan Bureau of Statistics, <http://www.pbs.gov.pk/sites/default/files/tables/press%28website%29.pdf> (accessed December 13, 2013).

<sup>29</sup> "Civil society networks for Elections 2013", Pakistan Media Commission Review, <http://mediacommissionreview.org/civil-society-networks-for-elections-2013/#.UqrBH9KVP7Q> (accessed December 13, 2013).

abuses are not highlighted in as many words as they deserve. Media is more inclined towards the ostensibly captivating realm of glamour, the powerful polity, the enticing sports events and the affluent corporate world. The ever worsening conditions of the conflict plaguing the Kashmiri populace are a beyond-the-wall subject for them. Media also projects Kashmir as a territorial dispute, an issue involving water argument between India and Pakistan, and an inter-state conflict over a region of immense geo-strategic significance. In this case too, the human dimension is missed out. Thus, transformation goes on into a negative direction. Due to obvious reasons, this too works to harden the respective positions of the state parties, albeit the people of Kashmir continue to endure socio-economic misery and all forms of human insecurity.

According to a senior journalist interviewed by the author, there have been no worthwhile publications or poetic contributions in India and Pakistan that could serve the cause of transformation in Kashmir. Reporting on Kashmir is mostly subjective. Pakistani media has no reporter based in the Indian-Occupied Kashmir (IOK). All that the Indian media shows, becomes the 'reality' of Kashmir. Foreign media, too, depends on the Indian media for news reports on Kashmir. On the other hand, Indian media considers Kashmir to be 'another' world.<sup>30</sup> As a matter of fact, some media houses, media persons, scholars and poets are playing their part towards intellectual oppression of the Kashmiri populace, both advertently and inadvertently. The state-owned media leads the process. To mention, the All India Radio, also known as Akashvani, which is state-owned and state-operated official broadcaster, has 403 Stations across India.<sup>31</sup> It also has elaborate broadcasting arrangement. Its headquarters, known as Radio Kashmir, is located in Srinagar, the Occupied Kashmir.<sup>32</sup> It broadcasts the official

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<sup>30</sup> Farooq uz Zaman, senior journalist and former editor of a leading national daily, was interviewed by the author on December 14, 2013.

<sup>31</sup> Details are available on official website of AIR (Akashvani): <http://allindiaradio.gov.in/default.aspx> (accessed December 25, 2013).

<sup>32</sup> "AIR Srinagar", <http://allindiaradio.gov.in/Station/SRINAGAR/Pages/default.aspx> (accessed December 25, 2013).

narrative round the clock, but seldom supports the human narratives: another case of *negative transformation*.

Kashmir is projected by the Indian media as a hub of violence and terrorism. Even an ordinary societal crime taking place in Kashmir is mocked up in media as cross-border terrorism. It is of note that there is no 'border' in Kashmir. It is 'Line of Control' that originally was the 'Cease-Fire Line', cutting across the Azad Jammu and Kashmir (AJ&K) and the Indian Occupied Kashmir (IOK). Kashmiri youth involved in peaceful protests against the excesses of Indian military and paramilitary forces are labelled 'foreign terrorists'. This too is negative transformation and has serious psychological ramifications for the people of Kashmir. So much so that the Kashmir issue is often linked with the issue of Afghanistan, in order to create an expression of 'terror' in the eyes of international community and to show India a victim rather than aggressor and transgressor.

The film industry is a creative arm of media and contributes greatly towards making and breaking perceptions. Whereas, Pakistan's cinema has virtually come to a standstill, Indian film industry is the world's largest film-making entity. It produces about 1,000 films per annum.<sup>33</sup> Indian films are watched across the globe, more so in the South Asian region. Due to its picturesque beauty and mountainous landscapes, Kashmir is a natural and recurrent choice for Indian film-makers. Yet, the number of films produced by them on Kashmir dispute itself can be counted on fingers. The few that have been made heretofore glorify the Indian military, paramilitary and police forces, demonize the freedom struggle by the people of Kashmir, and malign Pakistan. The film-makers cannot dare defy the official stance of India. They generally avoid such ventures that could lead to loss in business due to sensor, sanctions or ban. All that happened with the Ocean of Tears is a case in point. It was a 27-minute documentary produced by Bilal Jan in 2012, under the banner of the Public Service Broadcasting Trust of India, a non-governmental, not-for-profit trust. The documentary showed the Kunan-Poshpora mass rape incident that took place in the Kunan-

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<sup>33</sup> Palash Ghosh, "Bollywood At 100: How Big Is India's Mammoth Film Industry?" International Business Times, May 3, 2013.

Poshpora village of the Kupwara district in IOK on February 23, 1991, where the Indian army soldiers raped at least 53 women. Indian government's investigation had rebuffed the rape accusations as baseless.<sup>34</sup> It is another matter that the Human Rights Watch had feared that the number of women raped could be as high as 100.<sup>35</sup> Anyway, the film was put under an unofficial ban, when it was being screened in the University of Kashmir, Srinagar (Indian Occupied Kashmir). Bilal Jan asked the United Nations Commission on Human Rights (UNCHR) to intervene. The UNCHR expressed 'helplessness', by saying that it could not do much. Jan also wrote a letter to the Secretary General of United Nations, Ban Ki-moon, seeking his intervention in the matter.<sup>36</sup> It was a powerful documentary. Its 7-minute trailer had been viewed around 149,000 times on YouTube.<sup>37</sup>

Some suspect the Indian government to be behind the scheme of 'unofficial' ban by the university, so as to evade a blame of ban from the international civil society. This instance has been covered in some details to highlight the fact that the otherwise mammoth and massive film industry of India is virtually voiceless in case of the Kashmir dispute. It has no role in transformation of the desired conflict environment and is, thus, another case of negative transformation. Because of the nature of conflict, its politico-constitutional status, historical linkage, the just stance of Pakistan and the need for standing by the oppressed Kashmiri populace, Pakistan's film industry, Lollywood, even though small, should have played a dynamic role. However, it has not. It is as mute on the issue

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<sup>34</sup> Riyaz Wani, "Why the government doesn't want you to watch this documentary on Kashmir", *Tehelka.com*, May 7, 2013, <http://www.tehelka.com/govt-sponsored-kashmir-documentary-struggles-with-unofficial-ban/> (accessed December 13, 2013), and Sameer Yasir, "Film on Kashmir human rights abuse blocked, director writes to UN", *First Post*, October 16, 2013, <http://www.firstpost.com/india/film-on-kashmir-human-rights-abuse-blocked-director-writes-to-un-1174911.html> (accessed December 13, 2013).

<sup>35</sup> Abdul Majid Mattu, 'Kashmir Issue: A Historical Perspective' (Srinagar: Ali Mohammad & Sons, 2002).

<sup>36</sup> "Film on Kashmir human rights abuse blocked, director writes to UN", *op.cit.*

<sup>37</sup> *Ibid.*

as is its Indian counterpart, the Bollywood. If Bollywood traces its history to the events of 1913, when Raja Harishchandra, the first silent feature film made in India, the roots of Lollywood go as far back as 1929, when the United Players' Studios was opened on Ravi Road Lahore. But, Lollywood has neither been able to play a role in supporting and sustaining the actual contextual narrative of Kashmir, nor in championing the cause of humanity in face of tyranny in Kashmir. In sum, the film industry has a little role in positive transformation of the conflict environment in Kashmir.

Even major developments in Kashmir are swept under the carpet. For instance, recently it was reported that taking a cue from Israel's proposed separation wall along the Jordanian border, India has planned to build a similar but higher 179 km long wall in IOK, to separate it from Pakistan and AJ&K.<sup>38</sup> It is a horrendous act of state-planned, state-sponsored and state-executed terrorism, operationalized by way of structural violence. Such a venture needed to be nipped in the bud, which would aim at cutting across a people struggling for their rights since long. However, a few media houses picked up and published this news. The others either chose to stay quiet or made so without ado.

### **A Transformation Framework for Kashmir: Media in Context**

Due to the power of expression and cognition, there are some who take media as fourth pillar of the state. However, several media intellectuals suggest that media must not be taken as a pillar of the state. Media does have language, licensing and official requirements to operate. However, legally and morally there cannot be any bars or bounds on media, if it is to be 'free', as is often projected by most of the states. Media *itself* defines its conceptual, informational and perceptual bounds and boundaries in some cases. It is expected to side with the human security needs, if the state security interests take a threatening tone. Such is, indeed, the case with Kashmir,

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<sup>38</sup> "India planning a 'separation wall' in Kashmir", Aljazeera, December 21, 2013, <http://www.aljazeera.com/indepth/features/2013/12/india-planning-separation-wall-kashmir-2013121513811151676.html> (accessed December 25, 2013).

where the Indian military and paramilitary forces, acting at the behest of the Indian state structure have put into jeopardy the human security needs of millions of Kashmiris. On the other hand, the Pakistani media too needs to prove its freedom with responsibility. If the Indian and Pakistani media act to keep the humanity first in case of Kashmir, the conflict environment can be transformed to a considerable extent.

Media need to have a transformation framework. There could be a host of ways to approach the subject. The framework given in Figure-2 is but one such line of thought.

The foremost issue is that of the fundamental contours of the conflict.

These include causes, context, conditions and consequences. The causes exist and are unalterable. However, due to the *negative transformation*, the construct of causes is being tinkered with. The context of every conflict is inextricably linked with its root causes. The context of Kashmir dispute has undergone manipulation and falsification in cognitive space. Due to the size of Indian media, their paternalistic input linkage with the state and output influence on the powerful sections of international media, they have been able to work towards negative transformation of the context. Alongside, the Indian state freely operated in Jammu and Kashmir without a fear of reprisal or challenge from media – Indian or international. The state media of Pakistan tried to protect the human interest of the Kashmiri populace to a certain degree. However, the private media of Pakistan, for the most part, has not been able to respond to the negative transformational scheme of the Indian media. Due to this, the physical, economic, social, political, developmental, and other human security conditions in Kashmir continued to worsen steadily. The consequences are obvious. An individual Kashmiri is suffering both psychologically and physically, the society is in a state of trauma, the State is playing with perceptions, using the tool of media, and the world is indifferent and apathetic to a large extent. These can also be deemed as the levels of transformation – individual, society, state and world – as has been shown in Figure-2.

The transformational narratives of media need to be noticed as well as to be effective at all levels. As a matter of fact, media will often have to counter such state narratives, which are unethical and unconstitutional, if morality, ethics, constitutionalism and human security interests in Kashmir are considered to be supreme. Individual needs to be assured that there are still humans around, as upheld by Johan Galtung.<sup>39</sup> The confidence of the Kashmiri society needs to be built by way of re-assurance from the Indian society, based on the perceptions shaped by media through positive transformation, and the Pakistani society based on the awareness spread by Pakistani media. More so, the interactive, collaborative and cooperative events taking place between India and Pakistan need to be projected positively in the cognitive space. In the aftermath of hype and intense fire exchanges between the two countries along the LoC during 2013, wherein, some over 400 ceasefire violations (CFVs) from the Indian side were witnessed, to which Pakistan responded maturely and effectively, a meeting between the Director General Military Operations (DGMOs) of Pakistan Army and Indian Army took place on December 24, 2013. Such events, if projected positively and optimistically, may prove to be a stepping stone towards a positive transformation of the environment in South Asia, including Kashmir.<sup>40</sup>

Through the reality-based perceptions generated by the media, four kinds of transformation need to be sought after: context, status, conditions and rule. Context must not be forged, come what may. Status – international and disputed – needs to be upheld. Conditions of the affected populace should be discussed and contradictions highlighted in media, so as to induce the state(s) into action for societal well-being, even if it is ostensibly contrary to the state interest. If done, this would amount to progression towards positive transformation. This may necessitate rule transformation, amendment in the social contract(s), administering the affairs of Kashmir, something that is difficult yet desired. The objectives of the entire transformation process by means of the framework suggested herein are to build constructive, optimistic and positive perceptions

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<sup>39</sup> Johan Galtung (1996), 72.

<sup>40</sup> Ehsan Mehmood Khan, 'Peace Strategy', The News International, Islamabad, December 25, 2013.

at all four levels. This, in turn, is expected to lead to attitudinal and behavioural transformation in the state actors that are party to the conflict as well as the international securitization actors e.g. the United Nations and major world powers. Eventually, it would work towards transformation of the overall conflict environment in a manner that the aspiration of Kashmiri populace, rather than the stated positions of the conflict parties, would emerge as the priority.

### **Conclusion**

India and Pakistan have produced a great deal of war leadership to evolve kinetic strategies. It is time that a peace leadership emerges to evolve a workable peace strategy. Peace and conflict signify the nature and quality of relationship between the parties and their contending stance on various issues. To arrive at a point of win-win situation for all parties, this relationship needs transformation – more so in case of intricate conflicts like Kashmir. Media can play a consequential role in this regard. However, to be able to do so, it needs to cover a million miles. It needs to put aside the competing and counter narratives, and instead evolve cooperative and collaborative narratives. It needs to support the people rather than the governments, and take up the cause of human security in Kashmir in preference to the state security – more so in case of India media. In sum, change in media mind can bring about relationship change, which may eventually lead to conflict transformation in Kashmir.



## **Cross-LoC Management of Water and Environmental Resources: Opportunities & Challenges**

Dr Shaheen Akhtar\*

### **Abstract**

Geographically, the divided territory of Kashmir forms critical part of the Upper Indus Basin (UIB), which plays a crucial role in sustainable management of the mountain eco-system and downstream flows in the Indus River System. There are uncertainties and knowledge gaps regarding melting of Himalayan glaciers. Indus watershed is degrading due to deforestation, environmental degradation and pollution of water bodies. The upstream development of hydropower projects by India is also causing anxieties regarding compliance with Indus Water Treaty (IWT) and accumulative effects on downstream flows and trans-boundary effects on the environment. The paper explores the possibility of Cross-LoC cooperation in the management of water and environmental resources in the UIB. It argues that given the importance of the UIB in the Indus river system, Cross-LoC collaboration is essential in preserving the hydrology and ecology of the Indus basin. Urgent steps are needed to promote Cross-LoC cooperation in sustainability of Indus system. These may include undertaking a joint study on the behavior of melting glaciers, the mapping of environmental degradation and cooperative management of Indus watershed, joint study of cumulative impact of Indian hydropower projects, preserving the water bodies and collaboration in disaster management.

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## Introduction

The divided state of Jammu and Kashmir is unified by a shared eco-system, which is under a lot of stress due to the growing socio-economic and developmental pressures, increased human activity and challenges emerging from the effects of climate change. The area forms critical part of the Upper Indus Basin (UIB), which falls in the HinduKush-Karakorum-Himalaya (HKH) region. The UIB, stretching from Tibetan Plateau to northeast Afghanistan, contains high altitude glaciers, with perpetual ice, seasonal snow and catchment area, the protection and preservation of which is very crucial for a sustainable management of the Indus River System (IRS).

Major challenges to the water and environmental sustainability in the UIB are emerging from the uncertainty around the melting glaciers, the degradation of Indus watershed due to deforestation, environmental degradation and pollution of water bodies. There is also uncertainty around the accumulative impact of upstream hydropower development on hydrology of western rivers, downstream flows and environment. The region is also prone to natural disasters, which may increase under the conditions of climate change.

The paper explores the possibility of cross-LoC cooperation in the management of water and environmental resources in the UIB. It argues that given the importance of the UIB in the Indus river system, Cross-LoC collaboration is very important in preserving the hydrology and ecology of the Indus basin. The study attempts to investigate the following questions: How Kashmir is located in the sustainable management of Upper Indus basin? How climatic threats; melting glaciers, reduced watershed, deforestation and environmental degradation are affecting the health of UIB? How the closer cross-LoC cooperation can help in adopting a common adaptation and mitigation strategy to meet climatic threats to the mountain eco-system and hydrology of the UIB?

## Locating Kashmir in Hydrological-Ecological Regime of Upper Indus Basin

The Indus basin shared by Pakistan and India, along with China and Afghanistan, is highly dependent upon the water derived from the melting of snow and glaciers in the upper part of the basin. The contribution of melt water to the flow of Indus River is estimated to be from 50% to 70% of the total flow, and the remaining water comes from rains during the Monsoon season from July to September. According to the inventory of glacier prepared by International Centre for Integrated Mountain Development (ICIMOD) in 2011, there are 18,495 glaciers in the basin, covering 21,192 km area. It is estimated that the volume of ice contained in those glaciers is 2,696 km<sup>3</sup>. Of the 13,215 glaciers in the Upper Indus Basin, 5,218 are in Indus-Pakistan<sup>1</sup>, mostly in Gilgit-Baltistan and some in Azad Jammu & Kashmir (AJK), while 7,997 in Indus-India,<sup>2</sup> in Indian Held Kashmir (IHK) and Himachal Pradesh, which support the IB rivers system. Some of the largest glaciers in the world outside the polar region are found here. Major glaciers of UIB are; Siachin (1,181km<sup>2</sup>); Baltoro (756 km<sup>2</sup>); Biafo (627 km<sup>2</sup>); Batura (290km<sup>2</sup>); Hispar (622 Km<sup>2</sup>); Panmah (410 Km<sup>2</sup>). Snow melt accounts for more than 65 percent of the Indus river, 50 percent of Jehlum<sup>3</sup> and 49 percent of Chenab rivers.<sup>4</sup> The HKH region has a unique and fragile mountain eco-system, where people are heavily dependent on the natural environment for their sustenance. The economy of both parts of Kashmir is largely agrarian; over 88 percent in AJK and 76 percent in IHK happens to be rural.

<sup>1</sup> "Glacial Melt and Downstream Impacts on Indus Basin-Dependent Water Resources and Energy", International Centre for Integrated Mountain Development (ICIMOD) Kathmandu July 2010 . P.10.

<sup>2</sup>HimanshuThakkar, "There is little hope here: India's National Action Plan on Climate Change: A Civil Society View", February 2009. South Asia Network on Das, Rivers and People (SANDRP) New Delhi, www.sndrp.in p.20.

<sup>3</sup> For Indus and Jehlum see, IJAZ -UL-HASSAN KASHIF, Water Resource Management of Pakistan", www.ieislamabad.org/.../ Water%20Resource%20management%20MAr

<sup>4</sup> For Chenab see, R. D Singh, water resources in the Himalayas: Assessment and Sustainability", <http://www.imd.gov.in/ims/pd/plenary/RDS.pdf>

According to M.N. Kaul (2005), there are 6,500 glaciers in the Himalayan regions in India, out of which 3,136 glaciers are in the mountain belt of IHK and they constitute 13 percent of the state's total land.<sup>5</sup> Of the major 327 glaciers in the Himalayas, 60 are in Kashmir and most of the others are in the Ladakh region. The glaciated area of AJK comprises 224 glaciers, containing ice reserves of about 4.9 km<sup>3</sup>. It constitutes over 0.8 percent of the AJK area and 3 percent of the Neelum district area. Among 76 glacial lakes identified in the AJK, about 53 percent lakes belong to 'Erosion' type and 20 percent to 'Cirque' type. The presence of high number of Erosion type lakes in this area is indicative of receding of glaciers, due to global environmental changes in the past.<sup>6</sup>

### **Challenges to Water & Environmental Sustainability in Upper Indus Basin (UIB)**

The Upper Indus eco-system is recognized as an extremely fragile environment vulnerable to climate change. The biggest challenge emerges from uncertainties and knowledge gaps that widen the distrust between the lower riparian Pakistan and upper riparian India. Reports suggest that water flows in the western rivers have decreased from 119 MAF in 1960 to 113 MAF in 1997 and further fell to 102 MAF by 2011. In Chenab, the average annual flow has declined by 12 percent between 1960 and 2011, while in the river Jhelum it has declined by 17 percent. The decline in rivers' flows could quite possibly be due to the lower precipitation in IHK and Himachal Pradesh, which constitute the watershed region of these two rivers<sup>7</sup> or construction of upstream dams by India.<sup>8</sup>

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<sup>5</sup>M.L. Kak, "Baltal route for pilgrims will degrade ecology: experts", The Tribune, Chandigarh, 4 July, 2005. <http://www.tribuneindia.com/2005/20050705/j&k.htm>

<sup>6</sup> Ashraf, A.1, 2, R. Naz2, R. Roohi2, 'Monitoring and Estimation of Glacial Resource of Azad Jammu and Kashmir Using Remote Sensing and GIS Techniques', Pakistan Journal of Meteorology, Vol.8, Issue 16:Jan 2012. [http://www.pmd.gov.pk/rnd/rnd\\_files/vol8\\_Issue16/4\\_Monitoring%20and%20Estimation%20of%20Glacial%20Resource.pdf](http://www.pmd.gov.pk/rnd/rnd_files/vol8_Issue16/4_Monitoring%20and%20Estimation%20of%20Glacial%20Resource.pdf)

<sup>7</sup>DrAkmalHussain, "Rivers, people, states", The Express Tribune, December 23, 2012 <http://tribune.com.pk/story/483390/rivers-people-states/>

**Seasonal Variability:** In the Indus Basin, ecological insecurity mainly lies under water resources' vulnerability. Almost 90 percent of the water in the Upper Indus River Basin comes from remote glaciers. The rest comes from rains, especially during the Monsoon season from July to September. The quantum of water flowing in the Indus and its tributaries varies widely from year to year, depending on snowfall in the Himalayan and Karakorum ranges and rainfall in the catchment areas. Besides, there is an erratic Monsoon pattern. It is projected that climate change will increase the variability of monsoon rains and enhance the frequency and severity of extreme events such as floods and droughts.

### **Snow/Glacier/ Monsoon Melt in the Indus Basin System**

	% of IRS Inflows	% Seasonal Distribution		Dominant Source of Flow
		Summer (Apr-Sep)	Winter (Oct-Mar)	
<b>Indus</b>	44	86	14	snow /glacial melt
<b>Chenab</b>	19	83	17	snow /glacial melt+ monsoon
<b>Jhelum</b>	16	78	22	mainly snow melt+ monsoon
<b>Kabul</b>	16	82	18	snow/glacial melt
<b>Others</b>	5			

Source: Climate Change: Water Vulnerabilities in Pakistan, [https://cmsdata.iucn.org/downloads/pk\\_cc\\_water\\_vul.pdf](https://cmsdata.iucn.org/downloads/pk_cc_water_vul.pdf)

<sup>8</sup>Dr. ShahidAhmad , "Indus Water Treaty : and Water Cooperation for managing apportioned rivers", IUCN, Pakistan, 2013. [https://cmsdata.iucn.org/downloads/ulr\\_iwt\\_water\\_cooperation\\_for\\_managing\\_apportioned\\_rivers.pdf](https://cmsdata.iucn.org/downloads/ulr_iwt_water_cooperation_for_managing_apportioned_rivers.pdf)

**Melting Glaciers:** There is a high uncertainty in the behaviour of glaciers in the Upper Indus Basin, especially the cryosphere. There are reports about some glaciers in the basin that they are retreating, while others are advancing. Further, it is not known how the retreat and advance are related to the change in mass balance. Various studies, including those conducted by ICIMOD, indicate that glaciers in the western Himalayas are retreating, while glaciers in the central part of the Upper Indus Basin in the Karakorum range are advancing, which is described as Karakorum anomaly. Both have adverse consequences for fragile eco-system.

ICIMOD observes: “receding and eventually disappearing high altitude reservoirs of snow and ice will over time reduce downstream runoff, and increase its variability.” In June 2010, Walter W. Immerzeel in a report, *‘Climate Change will Affect Asian Water Towers’*, observed that by 2050 the Indus basin would lose 8.4 percent of its upstream flow due to climate change.<sup>9</sup> The Inventory of glaciers prepared by Planning Commission of India stated that 87 percent of glacial area of the country lies in J&K and Himachal Pradesh and these glaciers are fast melting. There are 989 glaciers in the Chenab basin and a large number of them are under stress. The Space Application Centre (SAC), India observed: 359 glaciers in the Chenab basin that stretched over 1,414 Km<sup>2</sup> in 1962, were reduced to 1,110 km<sup>2</sup> by 2004 a reduction of 21 percent in the snow cover area.<sup>10</sup> The Kolahoi, J&K’s biggest glacier, main source of Jhelum River is melting faster than other Himalayan glaciers, from 11 km<sup>2</sup> to 8.4 km<sup>2</sup> over the past three decades.<sup>11</sup> The 3,600 meter high and 78 km long Siachen glacier-the site of an Indian-Pakistani military standoff has shrunk to half of its size. The glacier is the source of the Nubra River that falls into the Shyok River in Laddakh, which then, empties into the Indus. Due to the geographical slope of the Indus

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<sup>9</sup>Walter W. Immerzeel, et al. “Climate Change Will Affect the Asian Water Towers”, *Science* 328, 1382 (2010);[http://futurewater.nl/wp-content/uploads/2011/05/Immerzeel\\_Science\\_11June2010.pdf](http://futurewater.nl/wp-content/uploads/2011/05/Immerzeel_Science_11June2010.pdf)

<sup>10</sup>R. D Singh, water resources in the Himalayas: Assessment and Sustainability”, <http://www.imd.gov.in/ims/pdf/plenary/RDS.pdf> R. D Singh is Director NIH, Roorkee; Based on data produced by SAC, Ahmedabad.

<sup>11</sup> Michael Renner, “Water Challenges in Central-South Asia”, Peacebuilding Centre, Noref Policy Brief, No. 4. December 2009.

basin, a quicker melting Siachen Glacier means greater chances of flooding in the Indus basin and more frequent avalanches.<sup>12</sup> The region has very important water bodies such as Wular Lake, Dal Lake and Mansbal Lake. The Wular Lake is the biggest fresh water lake of Asia. The river Jehlum that originates from Verinag in Kashmir valley runs through Dal and Wular lakes before entering AJK at Chakothe, about 65 km from Muzaffarabad.

### **Spatial Behaviour of Glacial Dynamics in the Indus Basin**

On the other hand, a study by Scherler et al in 2011 indicates that half of the studied glaciers in the Karakorum region are stable or even advancing.<sup>13</sup> This poses threats related to the glacier lake outburst floods (GLOFs). In 2010, Gojal-Hunza glacial 'outburst' in GB led to an avalanche and landslide that blocked Hunza river creating a glacial lake. The Pakistan Meteorological Department observed that the thawing of permafrost in the mountains above the Hunza River probably caused the massive landslide that blocked the river and formed the Attabad Lake.<sup>14</sup> This huge lake cut off the Gojal valley (submerged 5-km stretch of the Karakorum Highway leading to China) from the rest of Pakistan. The lake has become a natural dam and is still holding. If it ever bursts, it might lead to the worst ever disaster caused by a GLOF.

**Degradation of Indus Watershed:** Management of watersheds is very important for preventing sedimentation, soil erosion and ensuring sustainable flows in the rivers. 'A watershed is the area that drains to a single rivers system'. It is the 'basic building block for land and water planning.' Degradation of watersheds brings the

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<sup>12</sup>Indus Equation: Overview of Pakistan's Water Resources, Strategic Foresight Group Report, Mumbai, 2011, P.17. [http://www.strategicforesight.com/publication\\_pdf/10345110617.pdf](http://www.strategicforesight.com/publication_pdf/10345110617.pdf)

<sup>13</sup>Scherler, D., Bookhagen, B., and Strecker, M. R.: Spatially Variable Response of Himalayan. Glaciers to Climate Change Affected by Debris Cover, *Nature Geosci.*, 4, 156-159, doi:10.1038/ngeo1068, 2011.

<sup>14</sup>RinaSaeed Khan, "Permafrost and climate change", *Dawn*, 9 August 2013. <http://www.dawn.com/news/1035110/permafrost-and-climate-change>



'long-term reduction of the quantity and quality of land and water resources'.<sup>15</sup> Changes in watersheds result from a range of natural and anthropogenic factors, such as natural soil erosion, changes in farming systems, over-abstraction of water, over-grazing, deforestation, and pollution.

The Indus watershed in UIB is highly vulnerable to environmental change due to deforestation, and pollution. Forests play an important role in preserving the fragile eco-system of the region and also serve as catchments for important Himalayan rivers. Deforestation is one of the major causes of degradation of the Indus watershed. The deforestation and environmental degradation in the upper reaches of IB is going to have adverse impact on the downstream flows of the western rivers.

Forest cover in the Indus basin is extremely low at 0.4%, as more than 90% of the original cover has been lost mainly in the upper parts of the basin.<sup>16</sup> The forest cover of IHK is 10.14%<sup>17</sup>. The IHK Minister for Forests, Environment and Ecology, says that the region has suffered 50 percent degradation of forests due to "need and greed of human beings". In IHK, forests are under pressure due to illegal encroachments, timber theft and illegal sale, smuggling, deforestation, air and water pollution, forest fires, soil erosion, developmental schemes and expanding demand of timber, fuel-wood and fodder. Sustained deforestation has begun to have a severe effect on the entire environment of the region. The Indian Meteorological Department (IMD) says "temperature in IHK has increased by over one degree, and it is now continuously soaring at 0.05 degree every year". It observes, deforestation had caused 35% decrease in the

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<sup>15</sup>Salah Darghouth, Christopher Ward, Gretel Gambarelli, Erika Styger, and Julienne Roux "Watershed Management Approaches, Policies, and Operations: Lessons for Scaling Up." WaterSector Board Discussion Paper Series 11, World Bank, Washington, DC. 2008. p.xi.<http://siteresources.worldbank.org/TURKEYEXTN/Resources/361711-1216301653427/5218036-1267432900822/WatershedExperience-en.pdf>

<sup>16</sup> "Glacial Melt and Downstream Impacts on Indus Basin-Dependent Water Resources and Energy", International Centre for Integrated Mountain Development (ICIMOD) Kathmandu July 2010 P.7.

<sup>17</sup>Forestry Survey of India, 2008.

monsoon and 10% in snow annually in the region.<sup>18</sup> The Action Aid 2007 study '*On the Brink?*' shows that the water level in almost all the streams and rivers has decreased by about one-third, in some cases even by half, during the last 40 years.<sup>19</sup> It is the water flow in the small streams and tributaries that finally determine the overall water availability in Kashmir's three main rivers, namely; the Indus, Jhelum and Chenab, which flow into Pakistan.<sup>20</sup>

The forests in the mountainous areas of Pakistan are also degrading fast with a high rate of deforestation of 0.2-0.4% per annum, mainly due to illegal cutting of trees for fuel wood and timber. A major part of the Karakurum and Hindukush mountains in Gigit-Baltistan is barren due to high elevation and lack of rainfall in the monsoon season. The region has a forest cover of 9.5%. During severe winters people resort to excessive wood-cutting for heating purposes. The construction work and smuggling of timber has also depleted forest resources. In AJK the potential forest area is 28.5%, while productive forest area is only 11.6%, which is quite low.<sup>21</sup> In AJK severe degradation of forests is due to rapid growth of population pressure in and around forests, cutting of trees for fuel; timber for commercial purposes, encroachment for other improper land uses and heavy grazing. The 2005 earthquake badly damaged the AJK forests resources.i.e. 26.63 percent of the forest area.<sup>22</sup> The affected area was also major contributory to watersheds for Mangla Dam. The flash floods and land-sliding in 2010 and 2011 have

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<sup>18</sup> "Project Green Revival", April 9, 2010 <http://theviewspaper.net/project-green-revival/>

<sup>19</sup>ArjmandHussainTalib, *On the Brink?: A report on Climate Change and its Impact on Kashmir, Action Aid, 2007.* [http://kashmircorps.org/reports\\_files/ActionAid%20Climate%20Change.pdf](http://kashmircorps.org/reports_files/ActionAid%20Climate%20Change.pdf)

<sup>20</sup>IftikharGilani, "Cooperative Mechanism to Save Kashmir Environment and Water Wars", *Criterion*,(Vol 4 No 4 September 9, 2012) <http://www.criterion-quarterly.com/cooperative-mechanism-to-save-kashmir-environment-and-water-wars/>

<sup>21</sup> Kashmir at Glance, 2011, <http://www.pndajk.gov.pk/glance.asp>

<sup>22</sup>Environmental Strategy, Earthquake Reconstruction and Rehabilitation authority (ERRA),

aggravated the situation. This deforestation has adversely affected the eco-system and the watershed of the UIB.

The region is also prone to natural disasters like earthquakes, floods, landslides, avalanches, high velocity winds, snow-storms occurring especially in upper part of the basin. Climate change is projected to increase the frequency of extreme events in the precipitation, thus, creating higher likelihood to increase in the magnitude and frequency of water induced hazard in the future.<sup>23</sup> The Kashmir earthquake in 2005, the 2010 Leh cloud burst and flashfloods in Muzaffarabad in 2010 and 2011 have increased the need for information sharing, regarding flood forecasting and early warning, disaster management and disaster risk preparedness on both sides of Kashmir.

**Trans-boundary Impact of Pollution in Water Bodies:** The degradation of water bodies in the UIB is affecting both the quality and quantity of water in the catchments area. In IHK the three major lakes Wular lake, Dal lake and Mansbal lake are facing environmental degradation due to pollution. From 75 sq kms nine centuries ago, the Dal lake had reportedly shrunk to 25 sq kms two decades ago and is today confined to mere 11 km<sup>2</sup>. The Wular lake has been reduced to less than 70 km<sup>2</sup>. A century ago, Wullar extended up to almost 190 km<sup>2</sup> and would spread to over 270 km<sup>2</sup> during floods.<sup>24</sup>

Wular Lake is one of six wetlands within India designated as Ramsar sites, and it faces environmental threats of converting large parts of catchment areas into agricultural lands, pollution from heavy use of chemical and animal wastes, hunting of birds and infestation of weeds. The wetlands like Hokersar, Haigam, Shallabugh and Mirgund, which are the satellite wetlands of Wullar Lake are fast degrading. Pollution in Wullar lake, Dal Lake and the Jehlum river is affecting health of water bodies of the Indus river system flowing into Pakistan.

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<sup>23</sup><http://geoportal.icimod.org/indusbasin/GeneralContent/GeneralContentDetailPage.aspx?ContentID=209>

<sup>24</sup> M L Dhar, "Restoring Health of Kashmir Lakes - A Crying Need", The Kashmir Telegraph, 28 September 2009. [http://www.kashmirtelegraph.com/2009\\_09\\_01\\_archive.html](http://www.kashmirtelegraph.com/2009_09_01_archive.html)

**Impact of Indian Hydro-electric Projects:** The western rivers carry a lot of sediments and the construction of a large number of upstream dams/structures is going to trap sediment affecting hydrology and natural flow of the rivers. Further dam construction is going to have local as well as trans-boundary environmental effects. Experts say, India's Kishenganga Project is going to have adverse environmental impact on Gurez Valley in IHK and Neelum Valley in AJK. Being lower riparian, Pakistan has no access to the upper catchments of the western rivers allocated to it, as it lies under the Indian control.

### **Developing Cooperative Mechanism for Cross-LoC Management of Water and Environmental Resources**

Ecological interdependence demands cooperative action by Pakistan and India in preserving UIB, which must involve a close cooperation between the two parts of Kashmir. The area of cooperation may include: one; Joint Study on the behaviour of Himalayan glaciers, two; Cross-LoC coordination in watershed management, three; Cross-LoC cooperation in disaster management and early warning systems and, four; Cross-LoC CBMs on hydro-power development.

### **Joint Study on the Behaviour of Himalayan Glaciers**

Being part of the Himalayan region exposed to global climate change risk, there is a need to monitor behaviour of the glaciers and glacial lakes, and compile their inventories on regular basis to ensure effective water resources management in future.<sup>25</sup> Trans-boundary scientific coordination is vital in obtaining a holistic perspective of the existing and anticipated changes in the natural system of trans-boundary river basins like the Indus. In this regard, the study of the behaviour of Himalayan glaciers is very important to

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<sup>25</sup> Ashraf, A., R. Naz, R. Roohi, 'Monitoring and Estimation of Glacial Resource of Azad Jammu and Kashmir Using Remote Sensing and GIS Techniques', Pakistan Journal of Meteorology, Vol.8, Issue 16: Jan 2012. [http://www.pmd.gov.pk/rnd/rnd\\_files/vol8\\_Issue16/4\\_Monitoring%20and%20Estimation%20of%20Glacial%20Resource.pdf](http://www.pmd.gov.pk/rnd/rnd_files/vol8_Issue16/4_Monitoring%20and%20Estimation%20of%20Glacial%20Resource.pdf)

assess the actual impact of the climate change on the Himalayan glaciers. Glacial fluctuations and changes in precipitation patterns are expected to alter the hydrology of Indus Basin. The biggest challenge arises from inadequate information and monitoring, and limited scientific understanding of these high elevation glaciers. The monitoring of glaciers and lakes can be much facilitated by using high resolution remote sensing data coupled with frequent field observations. Both sides need to form expert groups from the both parts of Kashmir; Pakistan and India to jointly study the behavior of glaciers, whether they are decreasing or advancing. There should be an establishment of Glacier Monitoring Research Centre, which it should study:

- Climate Change impacts on UIB Cryosphere and Forecast,
- Long-Term water availability from Upper Indus Basin,
- Conduct Mass-Balance studies for five selected glaciers, and
- Carry out Mapping and Monitoring of more than 50 UIB glacier snouts.

The expert group can develop an overall, reliable climate sensitive water-balance model for the UIB, which is yet not there. To meet the optimum observational demands, at least 75 automatic weather stations and 35 hydrological measurement stations should be installed in the mountain areas. This would allow effective moulding of the hydrodynamic characteristics of these areas.<sup>26</sup> This can also help in understanding the extent of glacier melt and creating joint mitigation and adaptation techniques, sharing information and improving flood forecasting systems. Further, collaboration in scientific and technical research on the impacts of climate change on the cryosphere of the Indus basin, covering the four Hindu Kush-Himalayan countries of Afghanistan, China, India and Pakistan, is required for a joint response to the challenges posed by climate change. The International Centre for Integrated Mountain Development (ICIMOD) based in Nepal is already conducting such research. Sharing of experiences would create an environment of ownership of scientific work between governmental institutions

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<sup>26</sup> "Glacial Melt and Downstream Impacts on Indus Basin-Dependent Water Resources and Energy", International Centre for Integrated Mountain Development (ICIMOD) Kathmandu July 2010. P.16.

engaged in sustainable water resource management in the Upper Indus basin.

In addition, both sides need to declare all glaciers as protected area. Siachen must be demilitarized to preserve sustainable flows in the Indus. The parties showed interest in new ideas to resolve the issue, by turning it into a 'mountain of peace' or 'zone of peace', but a political will is missing to move forward. A proposal of an Ecological Science Park near the Siachen and Baltoro glaciers that has been under consideration for some time, which should be adopted by both sides.

### **Cooperation in Watershed Management**

The World Bank defines watershed management as 'the integrated use of land, vegetation and water in a geographically discrete drainage area for the benefit of its residents, with the objective of protecting or conserving the hydrologic services that the watershed provides and of reducing or avoiding negative downstream or groundwater impacts'.<sup>27</sup> Given degradation of the Indus watershed, a joint approach and close coordination in watershed management is very critical to maintain sustainable flows, control soil erosion, sedimentation and floods, especially flash floods. Watershed management can also help implement a risk management approach for disaster preparedness.

Both sides can conduct joint surveys and work together for development of the upper basins of the western rivers that are facing threats and uncertainties emanating from climate change. Watershed management projects should factor in the climate change, and some 'dedicated climate change adaptation projects' should be designed to deal with high-risk watersheds within UIB. Through a joint initiative on water management and environment, local authorities in both parts of Kashmir can meet periodically, exchange

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<sup>27</sup> "Watershed Management Approaches, Policies, and Operations: Lessons for Scaling Up." Water Sector Board Discussion Paper Series 11, World Bank, Washington, DC.2008.

data on water quality and water flows and consult one another on environmental problems,<sup>28</sup> and share best practices. Further, a group of experts in sustainable forest management, ecologists along with civil society actors from both sides can work together in mapping deforestation and its impact on the Indus watershed in UIB and coordinate strategies for sustainable conservation, protection and development of forests in the region. Community participation should be ensured in conservation and management of projects. Collaborative efforts by both sides for afforestation and management of the watersheds can help in controlling the increased sedimentation of rivers, which reduces the life of downstream dams. Reforestation in the watershed can also prevent devastating flash floods downstream during heavy rains in the catchment areas.<sup>29</sup>

Also important is the sharing of Environment Impact Assessment (EIA) of the upstream hydro projects on the western rivers, which would not only build trust but also assure sustainable downstream flows. There is a need to follow a holistic approach in protecting and rehabilitating the water bodies. For this, mass awareness has got to be generated so that the common man becomes the custodian of the eco-safety of the water bodies. There is a need to expand the scope of Article VII of the IWT on 'future cooperation' for the sustainable management of the Indus Basin. The issue of pollution of the river bodies in the Indus system can be addressed through [Article IV (9)] of the Treaty.

### **Cooperation in Disaster Management and Early Warning Systems**

The Mountainous regions on both sides of Kashmir are vulnerable to flash flooding, landslides and GLOF at alpine altitudes. The landslide of Attabad in 2010 and creation of a big landslide lake show water related hazards in the upper Indus. This calls for cooperation in early warning to monitor the weather conditions. The

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<sup>28</sup>Teresita Schaffer, "Kashmir: the Economics of Peace building", CSIS, 2005. P.xi

<sup>29</sup>Dr AkmalHussain, "Rivers, people, states", The Express Tribune, 24 December 2012.

<http://tribune.com.pk/story/483390/rivers-people-states/>

Meteorological departments on both sides should share information on weather forecast and early warning to monitor floods, rains and monitoring and management of glacier lake outburst floods (GLOFs). This requires early installation of telemetry system for watershed forecasting and flood warning telemetry systems. After the 2005 earthquake, both sides have formed disaster management authorities: State Disaster Management Authority (SDMA) in AJK and Disaster Management Authority in IHK, which can share experiences in managing the disasters and can also coordinate in such eventualities, especially in the areas located along the LoC.

### **Cross-LoC CBMs on Hydro Power Development**

Various regions of Kashmir have immense hydro power resources. The IHK hydro potential is estimated to be between 7,487 and 15,000 MW; AJK 6,450 MW and GB between 21,125-40,000 MW. However, trust building is very important in exploiting the hydro potential of the IHK. IWT allowed India to build run of the river projects on the western rivers, but stipulated restrictions and conditions that safeguard Pakistan's interests. In the past two decades or so, many controversies have arisen due to lack of timely data sharing, in compliance with the provisions of the Treaty; timely information about construction and design parameters of the hydro power projects on western rivers such as Wullar barrage, Dul Hasti, Nimo Bazgo, Uri-II, Chutak, Baglihar, and Kishanganga. This has widened distrust between the two countries. In fact, Pakistan took Baglihar to the Neutral Expert for adjudication on technical 'questions', regarding the design of the dam and later in 2010 took Kishanganga to the International Court of Arbitration (ICA) for determining India's right to build the project by diverting water from Kishanganga/ Neelum, a tributary of the Jhelum river, by diverting waters from a dam site to Bonar Madmati Nallah, another tributary of Jhelum. The second question was regarding the design, whether India could insert low gates?

The Baglihar verdict disappointed Pakistan as it stated that the Treaty 'does not bind the project planners to the 1960 technology, and that the state-of-the-art technology can be used'. Secondly, for



the proper maintenance of a reservoir required periodical flushing to get rid of silt, and that while the dead storage could not be used for operational purposes, it could be used for the purpose of maintenance.<sup>30</sup> The ICA verdict (February 2013) allowed India to build the dam, which will somewhat limit the average power generation capacity of Neelum-Jhelum hydropower project (NJHP) built downstream by 13 percent and reduction of average annual flow by 14 percent.<sup>31</sup> The court, however, 'reinforced the hard constraints built into the IWT regarding the ability of India to embed manipulable storage into this and all future projects'.<sup>32</sup> The court pointed out that 'while it might be convenient for India to build low gates and practise sediment flushing, this was not the only way to manage sediments, and that convenience for India had to be balanced against the threat this would pose to Pakistan's water security'.<sup>33</sup> Pakistan apprehends that the depletion of the run-of-the-river reservoir under the 'dead storage level' for removal of sedimentation will allow India to regulate waters upstream. On the issue of how much 'minimum' or 'environmental' flow should be maintained in the Kishanganga, both India and Pakistan had made detailed submissions to the ICA. India had proposed the maintenance of a minimum flow of 4.25 cumec (cubic metres per second). Pakistan had argued that 20 to 40 cumec would be needed. The court has mandated a minimum flow of 9 cumec. This validates Pakistan's demand that India should maintain ecological flows in the eastern rivers so as to maintain the health of these water bodies.

What does Baglihar and Kishenganga verdicts signify is that IWT framework has the strength to settle the differences and disputes over hydropower projects, but they may not be to the total satisfaction of India or Pakistan. It is, therefore, advisable that the two sides should use the bilateral mechanism and Permanent Indus

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<sup>30</sup>Ramaswamy R. Iyer, 'Dealing with Pakistan's fears on water', *The Hindu*, New Delhi, January 29, 2013.

<sup>31</sup> Partial Award by Court of Arbitration: *The Indus Waters Kishanganga Arbitration*, February 2013. P.54.

<sup>32</sup> John Briscoe 'Peace, not war, on the Indus', *The Hindu*, New Delhi, December 31, 2013.

<sup>33</sup> John Briscoe 'Peace, not war, on the Indus', *The Hindu*, New Delhi, December 31, 2013.

Water Commission, especially through expanding the mandate and scope of the PIWC. The trust gap can be bridged in maintaining transparency in data sharing regarding the construction of Indian projects on western rivers.

Pakistan's concerns as a lower riparian need to be addressed. There is a trend of reduction in the flows in the western rivers. Iyer very rightly suggests: 'institute a joint study by experts of both countries to determine whether in fact there is a trend of reduced flows in the western rivers and, if so, to identify the factors responsible'.<sup>34</sup> Similarly, there are apprehensions regarding the cumulative impact of a large number of projects on the western rivers, each of which may be in compliance with the Treaty. Iyer again suggests that point about 'cumulative impact' needs to be considered. 'Such a question has been raised even in relation to rivers in India, and the cumulative impact of a large number of dams planned on the Ganges is currently under study.' He suggests 'a joint study by experts of both countries' in relation to the Indus system, which will certainly contribute in building confidence between the lower riparian Pakistan with upper riparian India.

### **Conclusion**

Kashmir is uniquely placed in sustainable management of hydrology and ecology of the Upper Indus basin. Climate Change, receding glaciers and degradation of watershed are emerging as a major threat to the sustainability of the shared Indus basin. There is a lot of uncertainty around the behavior of the melting glaciers. There are key knowledge gaps about the Indus Basin, especially regarding the UIB that are causing anxieties in the lower riparian Pakistan, which need to be bridged. Both sides need to cooperate in installing monitoring and forecasting capabilities for the glacial regions and catchment areas of the UIB to meet the challenge of climate change.

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<sup>34</sup>Ramaswamy R. Iyer, 'Dealing with Pakistan's fears on water', *The Hindu*, New Delhi, January 29, 2013.

The environmental degradation is having adverse effect on the sustainability of the Indus basin, which should be addressed. Both sides need to develop inventory and database of the existing forest resource; remote sensing backed resource management planning in specific areas. The traditional forest management approach for commercial timber needs to be changed into social and eco-system management, ensuring participation of local communities.

Cooperative watershed management and collaboration in disaster management is also very important for the preserving the water bodies and coping with the uncertainties of climate change. Trust building is critical for harnessing hydro potential of the IHK by timely data sharing on the flows and construction of projects and cumulative effect should be factored in. India should share EIA of its hydropower projects on Western rivers. Frequent recourse to the NE or Court of Arbitration should be avoided and PIWC should be strengthened for sustainable development and management of the Indus basin. In this regard, Article-VII on 'Future Cooperation' can be utilized to develop trans-boundary cooperation in sustainable management of the Indus basin. A closer cross-LoC cooperation will ensure sustainability of the mountain eco-system as well as sustained supply of water, both in quality and quantity in the Indus basin. This will also allow sustainable livelihood to the people of Kashmir living on both sides of the LoC.



## **Nuclearization of South Asia and its Implications for Kashmir Cause**

Fouzia Amin & Khurshid Khan\*

### **Abstract**

**I**t is believed that non-resolution of Kashmir issue has been one of the major motivating factors for nuclear proliferation in South Asia particularly for Pakistan. Kashmir remains a possible cause for a nuclear showdown, a scenario fraught with dangerous consequences. There is a growing realization, both at the regional and global levels about the potential dangers emanating from continued hostility between Pakistan and India, but no concrete efforts seem to have been made by the world community, to address the long standing Kashmir issue, despite the fact that over 80,000 Kashmiris have laid down their lives during the ongoing freedom struggles. The US policy tilt towards India after the incident of 9/11 and Pakistan's defensive posture have caused pessimism and despondency among the people of Kashmir. India's wish to normalize its ties with Pakistan, sidelining the Kashmir issue, appears to be impracticable. The majority of thinkers is in agreement that Kashmir is a 'nuclear flashpoint' between the two states and unless the issue is resolved amicably, the risk of another war between the two cannot be ruled out. Post nuclearization crises clearly indicate the nature of threat that the unresolved Kashmir dispute could pose to this region in future. The people of Kashmir have asserted their primacy in the dispute, therefore, any effort to initiate a 'political process' under the umbrella of the Indian Constitution is irrelevant in today's context. Secondly, the current situation in Kashmir and its upcoming direction that flows from the denial of the right of self-determination precludes the concept of bilateralism on Kashmir dispute.

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## Introduction

Kashmir is the oldest unresolved dispute between Pakistan and India, which is a legacy of unfinished agenda of partition of the subcontinent. Consequently, both India and Pakistan have been struggling to prevail over each other to take possession of the State of Jammu & Kashmir (J&K). The matter has become more complex ever since both India and Pakistan have developed and fielded nuclear weapons and delivery systems. Though, nuclear explosions by the two sides have provided stability in the region, which has taken away the option of resolving Kashmir dispute forcefully, however, the majority of thinkers is in agreement that Kashmir is a 'nuclear flashpoint' between the two states.<sup>1</sup>

Post nuclearization crises like Kargil-1999 and the Mumbai incident of 2008, clearly indicate the nature of threat that the unresolved Kashmir dispute could pose to this region in future.<sup>2</sup> According to Shireen M. Mazari, the Kargil episode has proved to the world that Kashmir is a nuclear flashpoint, which needs to be addressed.<sup>3</sup> The consequences of such a war would be catastrophic, even if the two sides involve in a limited nuclear exchange, as reflected in the report published by International Physicians for the Prevention of Nuclear War (IPPNW), the 1985 Nobel Peace Laureate, and its US affiliate Physicians for Social Responsibility (PSR).<sup>4</sup>

Since September 11, 2001, a paradigm shift has taken place in the global security perspective to which India remains one of the principal beneficiaries. Consequent upon this incident, the Kashmiri

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<sup>1</sup> Mr. Lester W. Grau and Mr. Ali A. Jalali, "Kashmir: Flashpoint or Safety Valve?", *Military Review* Foreign Military Studies Office, Fort Leavenworth, KS. July-August 1999, [fmso.leavenworth.army.mil/documents/kashmir/kashmir.htm](http://fmso.leavenworth.army.mil/documents/kashmir/kashmir.htm), accessed March 10, 2013.

<sup>2</sup> Dr Shaheen Akhtar, "Kashmir Conflict, International Community, and Deterrence Stability in South Asia", in *Nuclear Pakistan, Strategic Dimension*, ed. Zulfiqar Khan (Oxford University Press, 2011), 120.

<sup>3</sup> Shireen M Mazari, "The Kargil Conflict 1999", ISSI, Pak, 2003, 29-63.

<sup>4</sup> "Nobel Laureate Warns Two Billion at Risk from Nuclear Famine", December 10, 2013, [www.ippnw.org](http://www.ippnw.org), accessed December 10, 2013.

peoples' armed resistance has been labeled as terrorism.<sup>5</sup> By 2002, their armed struggle got diluted, because India was able to isolate them.<sup>6</sup> The options available to Pakistan to resolving the Kashmir issue are becoming limited, constrained and increasingly difficult to exercise. Since 2004, despite resumption of the 'Composite Dialogue', Pakistan has failed to muster requisite pressure on India, in order to resume substantive and structured talks on Kashmir dispute.<sup>7</sup> In his recent speech at the UN forum, the Indian prime minister once again declared Kashmir as an integral part of India. It leaves no room to believe that India would ever be prepared to take dialogue on Kashmir seriously.<sup>8</sup>

Nonetheless, the ceasefire violations in the recent past along the Line of Control (LoC) amply demonstrate the nature of problem that exists between the two countries. In response to the killing of an Indian soldier in exchange of fire, the Indian army chief, Bikram Singh threatened and said, "We reserve the right to retaliate at a time and place of our choosing".<sup>9</sup> It is viewed that Kashmir remains a sensitive issue, and therefore, status-quo cannot be maintained for very long. As opined by Alastair Lamb, "Unless the key issue of 1947 is resolved, it is more than probable that the Kashmir dispute will

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<sup>5</sup> B.Raman, "Counter-Terrorism: India-China-Russia-Cooperation", South Asia Analysis Group, November 4, 2010, [www.southasiaanalysisgroup.org/page830](http://www.southasiaanalysisgroup.org/page830), accessed March 13, 2013; and Kashmir: a 50-years controversy, [marjlin.free.fr/Kashmir.htm](http://marjlin.free.fr/Kashmir.htm), accessed 5 July, 2013.

<sup>6</sup> Mir Waiz, "Talks Between India and Pakistan Must Include Kashmiri Leadership", Seminar on "India-Pakistan Relations: Breaking the Deadlock over Kashmir", was held at the George Mason University on February 6, 2011. (Mirwaiz Umar Farooq is Chairman All Parties Hurriyat Conference (APHC); and "A Chronology of the Kashmir Dispute", [www.yespakistan.com/kashmir/achronologyofkashmirdispute.asp](http://www.yespakistan.com/kashmir/achronologyofkashmirdispute.asp), accessed March 17, 2013.

<sup>7</sup> Ashraf Jehangir Qazi, "Kashmir and the future", The News International (Islamabad), Monday, December 13, 2010.

<sup>8</sup> Indian Prime Minister's speech at the UN General Assembly forum, on September 28, 2013.

<sup>9</sup> Dr Ishtiaq Ahmad, "Averting future tensions in India and Pakistan relations" Pulse (Islamabad), January 25, 2013; and "Ceasefire violations on the Line of Control", [Dawn.com/2013/01/09/ceasefire-violation-on-the-Line-of-Control](http://Dawn.com/2013/01/09/ceasefire-violation-on-the-Line-of-Control), accessed March 13, 2013.



continue to damage seriously the health of the body politics of both India and Pakistan".<sup>10</sup>

There is yet another angle to the Kashmir dispute. The armed struggle by Kashmiri people, which started around 1988, might have brought miseries for them, but the 12 years of hardships has changed their political culture. On Kashmir issue, there seems complete homogeneity among all segments of the All Parties Hurriyat Conference (APHC).<sup>11</sup> It is believed that the time to remote control the native Kashmiris is over. They have to be factored in larger debate on Kashmir issue, otherwise, both India and Pakistan may have to face a serious risk of being driven in the crisis that native Kashmiris may cause in their struggle, for 'Azadi', i.e. freedom from Indian suppression.

The above in view, this paper aims at analyzing the puzzle that nuclearization of South Asia has posed, creating stalemate on Kashmir issue, causing despondency amongst the people of Kashmir, which has serious implications for sustainable peace in South Asia.

### **The Origin and Complexity of Kashmir Issue**

The states act in accordance with their perception of threat, respective national interests and power potential, which remains one of the principles of international relations (IR). The states demonstrated acts and policies clearly reflect their understanding of the danger, inherent in the international system and response that are necessary to protect their respective national interests, depending upon their capacity.<sup>12</sup> According to the realist school of

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<sup>10</sup> Alastair Lamb, *Kashmir a Disputed Legacy-1846-1990*, (Oxford University Press Karachi, 1993), 2.

<sup>11</sup> "The Struggle will continue", an Interview held with Syed Ali Shah Geilani by Ghulam Hussan Kaloo and Izhar Wani, [www.kashmiri-cc.ca/quarterly/kq3-1/GILANI.htm](http://www.kashmiri-cc.ca/quarterly/kq3-1/GILANI.htm), accessed June 23, 2013.

<sup>12</sup>Stuart E. Johnson and William H. Lewis (ed), *WEAPONS OF MASS DESTRUCTION*, 207.

thought, the states are concerned with their own security, act in pursuit of their own national interests and struggle for power.<sup>13</sup>

From theoretical perspective, the subject under debate can be discussed applying three different theories namely 'Theory of Realism', 'Social Constructivism' and 'Nuclear Deterrence', which exert influence directly or indirectly on the subject. The Realist Theory, which is the oldest of the IR theories, primarily deals with state to state relationship. Its main premise is that every nation state's goal is to gain power to protect itself from other nations' attacks.<sup>14</sup> It rejects multilateralism and international cooperation, where unilateral action will suffice.<sup>15</sup>

The Pakistan and India context presents a classical example of application of 'defensive and offensive realism'. At the time of independence, under the 'Rad-Cliffe Award', the princely states, including J&K, were to decide their fate to join either side.<sup>16</sup> The state of J&K became the victim of dispute and could not be resolved, as India smartly played by persuading the Maharaja to declare accession of Kashmir with India, which had full backing of Britain and that led to the first Pakistan-India war over Kashmir. Lambs opined that the Kashmir problem could have been avoided, had the

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<sup>13</sup> Miqdad Sibtain, "Realist Theory in International Relations", International Relations, October 2, 2010, newsflavor.com › Politics › International Relations, accessed March 12, 2013.

<sup>14</sup> Carmen Grant, Realism International Relations Theory, www.ehow.com › Culture & Society, accessed March 12, 2013; and Realism International Relations Theory | eHow.com [http://www.ehow.com/facts\\_5208399\\_realism-international-relations-theory.htm](http://www.ehow.com/facts_5208399_realism-international-relations-theory.htm) l#ixzz2N3o8gWs2, accessed March 15, 2013.

<sup>15</sup> Miqdad Sibtain, "Realist Theory in International Relations".

<sup>16</sup> Chaudhri Muhammad Ali, "The Emerging of Pakistan", (Lahore: Research Society of Pakistan, 1956), 226-232; Mr. Lester W. Grau and Mr. Ali A. Jalali, "Kashmir: Flashpoint or Safety Valve?"; and Alastair Lamb, Kashmir a Disputed Legacy-1846-1990, 4.

British made different decision as to the policy and course of action at that time.<sup>17</sup>

As history reveals, Hyderabad and Junagarh States were forcefully annexed by India on the plea that majority populations of those states were Hindus, though their rulers at the time of partition were Muslims and they wanted to accede to Pakistan. On the contrary, J&K, a Muslim majority (77.11 percent) state, according to 1941 census, led by Hindu Pundit was forcefully annexed to India against the wishes of the people, on the pretext of 'Instrument of Accession' signed by Maharaja Hari Singh on October 26, 1947, whose validity and authenticity have always remained controversial.<sup>18</sup>

The Indian claims and counter arguments by Pakistan notwithstanding, the fact remains that India displayed its power against native Kashmiris and forcefully occupied the state, a classic example of 'power maximizing (Offensive Realism)', and continues to maintain its hegemonic stance, despite the fact that over 90,000 Kashmiris have been martyred in their struggle to gain 'Azadi' from Indian occupation.

On the contrary, it is believed that sensing the threat that the Hindu Maharajah might betray the people of J&K and join hands with India against their wishes; the local Kashmiris organized an armed struggle against the Maharajah's forces and managed to clear a small chunk of area before the arrival of Indian forces, as per their perceived threat. Pakistan continued to watch the events from a distance and entered the conflict at a later stage in support of ill-equipped local groups, who were now pitched against regular Indian forces. Pakistan's decision to support the native Kashmiris to protect

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<sup>17</sup> Alastair Lamb, *Kashmir a Disputed Legacy-1846-1990*, 2, 4, 6; *Jammu & Kashmir Dispute*, Pakistan Ministry of Foreign Affairs, [www.asiapeace.org/acha/kashmir111.htm](http://www.asiapeace.org/acha/kashmir111.htm), accessed 5 July, 2013; and Alastair Lamb, *Birth of a Tragedy- Kashmir 1947* (Oxford University Press, Walton Street, Oxford, 1994), 126, 128, 135, 136.

<sup>18</sup> Wajhat Habibullah, *My Kashmir Conflict and the Prospects of Enduring Peace*, (Vanguard Books (Pvt) Ltd. Lahore, 2009), 6, 20.

its national interest is a classic example of 'security maximizing (Defensive Realism)'.

An in-depth analysis of Pakistan-India history reveals that at every stage, India, when ever found an opportunity, struck against Pakistani interests to maximize its power, may it be 1971 War, conduct of nuclear test in 1974 and later on 1998, 1986/87 escalation and 2001/2002 escalation. India employed all possible power maximizing tools, as explained by Mearsheimer, including war, blackmailing and proxy wars that still continue against Pakistani interests in Baluchistan and KPK/FATA. Pakistan had always been reacting to India's hegemonic design.

Another most appropriate theory that remains valid in the subject context is the 'Theory of Social Constructivism'. India has successfully applied social constructivism theory, while protecting its interests on Kashmir issue. It was India that took Kashmir problem to the United Nations Security Council (UNSC) on January 1, 1948, under Article 35 of the UN Charter, which adopted two resolutions, one each on February 5, 1948 and August 13, 1948, stating that the question of the accession of the state of J&K to India or Pakistan would be decided through a free and impartial plebiscite.<sup>19</sup>

Subsequently, India continued to adopt delaying tactics and failed to create political environment to implementing the UN resolutions. India's position got strengthened, when it managed to align itself with former Soviet Union, which abstained from the UN debate on Kashmir till 1952. However, during January 1952, it started criticizing the US and British policies towards Kashmir at the

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<sup>19</sup> "Kashmir at the United Nations", [www.jammu-kashmir.com/basicfacts/politics/kashmir\\_un.html](http://www.jammu-kashmir.com/basicfacts/politics/kashmir_un.html), accessed March 12, 2013; "Kashmir profile", BBC NEWS, South Asia; Alastair Lamb, Birth of a Tragedy- Kashmir 1947, 140; "A Chronology of the Kashmir Dispute and Kashmir - The History", Pakistan Mission to the United Nations, [www.pakun.org/kashmir/](http://www.pakun.org/kashmir/), accessed March 18, 2013; and Irfan S. Kashmiri, "Kashmir Dispute in Its Historical Background", Frontline Kashmir, May 19, 2011, [www.frontlinekashmir.org.pk/.../kashmir-dispute-in-its-historical.html](http://www.frontlinekashmir.org.pk/.../kashmir-dispute-in-its-historical.html), accessed December 14, 2013.

UN forum, especially in the back-drop of Pakistan's tilt towards the US and brought the issue into the theater of Cold War politics.<sup>20</sup>

Later on, India was able to convince the world that bilateralism was better option to resolve Kashmir, while bypassing the UN forum. India continued to promote the agenda of bilateralism during later moves, including 'Tashkent as well as Simla Agreements'. India's academia and diplomats have played a vital role in spoiling the Kashmir case through their writings and projecting Kashmiris as terrorists, especially after 1989, when armed struggle was initiated by the Kashmiri people.

The Indian scholars have managed to change the world perception about the reality in Kashmir. As highlighted earlier, according to the theory, "The reality that surrounds us is not merely a product of purely objective (or material) forces, but essentially a product of our shared perceptions, values, ideas, and understanding."<sup>21</sup> Resultantly, the international community that supported Kashmir cause at the UN forum and continued to support till as late as 1990s, but thereafter, their support has been minimal. Thus, in the absence of the world support, Kashmiris' peaceful struggle seems failing, which may lead to opening up new fronts.

After the Kargil episode and especially in the aftermath of 9/11, India got an opportunity to socially construct the narrative that the freedom movement in Kashmir did not have an indigenous character, rather it was sponsored by Pakistan. Thus, it fully succeeded in weakening the cause, by labeling it as terrorist movement.<sup>22</sup> In the backdrop of 9/11, India's diplomatic circles managed to achieve their strategic objectives without fighting. Despite being a frontline state in the ongoing war against terrorism,

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<sup>20</sup> Security Council Official Record, seventh year, 570<sup>th</sup> meeting, January 1952, 13-18.

<sup>21</sup> Timothy Lim, "International Relations: Constructivism pt1", [www.slideshare.net/tclim988/international-relations-constructivism-pt1](http://www.slideshare.net/tclim988/international-relations-constructivism-pt1), accessed December 14, 2013.

<sup>22</sup> Dr. Ghulan Nabi Fai, "Are Kashmiris Terrorists?", Frontier Post, January 31, 2002.

Pakistan stands isolated and its comfort level along western borders has also been compromised due to India's hectic involvement.

The third theory that remains valid to the study in hand relates to the nuclear domain that is 'Nuclear Deterrence Theory'. After the invention of nuclear weapons, deterrence has become a salient concept in discourse about international security. In general, deterrence refers to the attempt to create risks that lead the opponent, not to engage in a certain policy or action. For deterrence to work, the risk must be disproportionately higher than any possible gain.<sup>23</sup> Over the past 60 years, a number of definitions of nuclear deterrence theory have come up. Just to quote Thomas Schelling, who calls deterrence, "a threat . . . intended to keep an adversary away from doing something".<sup>24</sup> Theoretically, if nuclear deterrence/stability is to succeed, certain physical and psychological pre-conditions have to be met, to include capability, credibility, communication and perception.<sup>25</sup> However, it is important to mention that the concept of nuclear deterrence alone might not

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<sup>23</sup> Quinlan, *Thinking about Nuclear Weapons-Principles, Problems, Prospects* (Oxford: Oxford University Press, 2009), 20, 23; and "Deterrence", *Nuclear Files*, accessed October 22, 2012, <http://www.nuclearfiles.org/menu/key-issues/nuclear-weapons/history/cold-war/strategy/index.htm>.

<sup>24</sup> Glenn H. Snyder, "Deterrence and Defense," reprinted in Robert J. Art and Kenneth N. Waltz, eds., *The Use of Force: International Politics and Foreign Policy* (New York: University Press of America, 1983), 129; Alexander George and Richard Smoke, *Deterrence in American Foreign Policy: Theory and Practice* (New York: Columbia University Press, 1974), 11; Thomas C. Schelling, *Arms and Influence* (New Haven, CT: Yale University Press, 1966), 69; Bernard Brodie, "The Development of Nuclear Strategy," in Steven E. Miller, *Strategy and Nuclear Deterrence: An International Security Reader* (Princeton, NJ: Princeton University Press, 1984), 4.

<sup>25</sup> Quinlan, *Thinking about Nuclear Weapons, Prospects*, 23; Raman, *Nuclear Strategy the Doctrine of Just War*, 14, 15; "Deterrence"; and Lawrence Freedman, *Deterrence* (Cambridge: Polity Press, 2004); Patrick Morgan, *Deterrence Now* (Cambridge: Cambridge University Press, 2003); and "Deterrence".

work in preventing wars among the states, as past history has proved.<sup>26</sup>

There exists a relationship between deterrence stability, security doctrine and escalation control. Deterrence stability hinges upon the planned security doctrine. If the security doctrine is designed to fight a war, the other two factors correspondingly are affected. In case of nuclear weapons, the numbers are unlikely to matter much, unless they are influenced by other factors, including the presence of Anti Ballistic Missile (ABM) defence system, asymmetry in conventional weapons and assured second-strike capability.<sup>27</sup> Additionally, deterrence stability and escalation control also depend on careful and correct assessment of distinctive historical, political, cultural and geographic circumstances that shape nuclear behaviour in specific regions.<sup>28</sup>

The emerging political and security scenarios in the region do not fully support that the nuclear deterrence will remain effective in medium to long term. India's offensive security doctrine, with full backing of its nuclear weapons, is a serious setback to the existing nuclear deterrence stability in the region. In view of India's massive investment in defence sector, it is highly unlikely that Pakistan will be able to match India in coming years, thus, it is likely to lower its

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<sup>26</sup> Gregg Herken, *The Winning Weapon: The Atomic Bomb in the Cold War 1945-1950* (New York: Vintage Books, 1982), especially Chapters 2 and 3; McGeorge Bundy, "The Unimpressive Record of Atomic Diplomacy," in Robert J. Art and Robert Jervis, eds., *International Politics: Enduring Concepts and Contemporary Issues* (New York: HarperCollins, 1996); Avner Cohen, *Israel and the Bomb* (New York: Columbia University Press, 1998), 327-328, 337-338; and Avner Cohen and William Burr, "Israel Crosses the Threshold," *Bulletin of the Atomic Scientists* (May/June 2006), 22-30.

<sup>27</sup> Muhammad Khurshid Khan, "Deterrence Stability, Security Doctrines and Escalation Control in South Asia", *IPRI Journal*, First half 2013.

<sup>28</sup> "Deterrence Stability"(with particular reference to the South Asian Context), Centre for Land Warfare Studies, Article 1757 (February 20, 2011): 1, [www.claws.in/index.php?action=master&task=758&u\\_id=36](http://www.claws.in/index.php?action=master&task=758&u_id=36), accessed September 14, 2011; and Devin T. Hagerty, "Nuclear Deterrence in South Asia", *International security* 20, no. 3 (Winter 1995/96): 114.

'nuclear threshold', a factor which is detrimental to the regional as well as global interests.

### **Kashmir a Nuclear Flashpoint**

It is believed that non-resolution of Kashmir issue has been a motivating factor for nuclear proliferation in South Asia, especially for Pakistan, though, India may have other reasons to go nuclear. Thus, Kashmir remains a contentious issue, which may become a cause for a possible nuclear showdown, a scenario, if played out, will have devastating impact on South Asia.<sup>29</sup> Dr. Shaheen Akhtar explains that the perception and attitude of major powers at the time of nuclear tests by both countries clearly indicate that they recognized Kashmir as an important factor in the deterrence stability of South Asia.<sup>30</sup> But despite realization, no concrete effort has been made by the world community, including the UN, to address this long-standing dispute. The global strategic and political situation has been tilted further in India's favour after the incident of the 9/11.

As highlighted in introductory paragraphs, the Kashmiri people have by now re-asserted and re-established their primacy in the dispute. Any effort to initiate a 'political process' under the Indian influence would be irrelevant in today's context. Secondly, the current situation in Kashmir and its upcoming direction that flows from the denial of the right of self-determination, does not allow an over emphasis on the Pakistan-India bilateral dimensions of the case. It rules out the possibility of legalizing, with or without alterations, the 'Berlin Wall' within Kashmir.<sup>31</sup>

India considers that the UN resolutions have outlived their utility after Simla Agreement. The authors fully endorse the

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<sup>29</sup> "Nobel Laureate Warns Two Billion at Risk from Nuclear Famine".

<sup>30</sup> Dr Shaheen Akhtar, "Kashmir Conflict, International Community, and Deterrence Stability in South Asia", 124, 125.

<sup>31</sup> Kashmir Dispute: A Nuclear Hot Spot in South Asia, [www.kashmiri-cc.ca/misc/TEAMCANA.htm](http://www.kashmiri-cc.ca/misc/TEAMCANA.htm), accessed 5 July, 2013.



arguments made by Dr Fai, a renowned Kashmiri scholar, to counter India's stance:<sup>32</sup>

"If non-implementation were to render an agreement defunct, then, the Simla Agreement is in no better state than the earlier, far more concrete and comprehensive agreement painstakingly worked out by the United Nations and concluded under its auspices in 1948-49. If passage of time were allowed to extinguish solemn international agreements, then, the Simla Agreement has already suffered the same fate as the UNCIP resolutions. If, however, agreements are to be revived, then why revive one (Simla Agreement) and not the other (UNCIP)."

An argument given by Mr. Eric Margolis some 19 years ago still remains valid, who wrote, "The bitter dispute over Kashmir between India and Pakistan is after Korea, the world's second most dangerous crisis".<sup>33</sup> The UNSC through Resolution 1172 as well as the G-8 and P-5 countries and other world leaders, have expressed for an urgent need for a dialogue to resolve the Kashmir dispute.<sup>34</sup> Realizing the sensitivity of the issue, both Pakistan and India agreed in September 1998, that resolution of the Kashmir dispute was essential for peace and security in the region and accordingly, Indian Prime Minister Vajpayee's visit to Lahore in February 1999, the Lahore Declaration was adopted, in which both the sides committed to intensify efforts to resolve the Kashmir issue. But unfortunately, India backtracked

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<sup>32</sup> Ershad Mahmud, "Status of AJK in Political Milieu"; and Dr. Ghulam Nabi Fai, "The Post-Simla Agreement Environment and India-Pakistani Dialogue".

<sup>33</sup> Kashmir Dispute: A Nuclear Hot Spot in South Asia.

<sup>34</sup> United Nations Security Council, S/RES/1172 (1998), unanimously adopted by the Security Council at its 3890th meeting, on 6 June 1998, [www.mofa.go.jp/mofaj/gaiko/naruhodo/data/pdf/data6-1.pdf](http://www.mofa.go.jp/mofaj/gaiko/naruhodo/data/pdf/data6-1.pdf), accessed 5 July, 2013; Security Press Release, Security Council 3890<sup>th</sup> Meeting, SC/6528 [www.un.org/News/Press/docs/1998/sc6528.doc.htm](http://www.un.org/News/Press/docs/1998/sc6528.doc.htm), accessed 5 July, 2013; and Jammu & Kashmir Dispute, Pakistan Ministry of Foreign Affairs, [www.asiapeace.org/acha/kashmir111.htm](http://www.asiapeace.org/acha/kashmir111.htm), accessed 5 July 2013.

from the stated position and decided not to open the discussion on the issue of J&K.<sup>35</sup>

According to Mr. Lester W. Grau and Mr. Ali A. Jalali, “historically, Kashmir has been both a flashpoint and a safety valve”. They opined, “as India and Pakistan develop and field nuclear weapons and delivery systems, the potential danger of this flashpoint increases”.<sup>36</sup> Nonetheless, India seems allergic to the term ‘nuclear flashpoint’ and seems unwilling to accept that there was any danger of nuclear war between Pakistan and India on Kashmir issue.<sup>37</sup>

Stephen Philip Cohen, a well-known US scholar, opines, “It is no wonder that many have predicted the emergence of India as a major Asian power, or even a world-class state”. However, he views, “This remains a problematic development as long as India’s comprehensive and debilitating rivalry with Pakistan continues, including that dimension of the rivalry that encompasses the 50-year-old Kashmir dispute”. Pakistan and India have fought three wars on Kashmir and their conflict now contains the seeds of a nuclear holocaust.<sup>38</sup> In the same context, Ms. Helen Clark, the Prime Minister of New Zealand, stated on October 15, 2004, “It is perfectly obvious to the whole world that Kashmir is a flashpoint for tensions between the two countries. Most countries do not regard it as simply an internal affair”.<sup>38</sup>

Keeping in view the nature of in built challenge in the on going conflict, according to the New York Times published on January 17,

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<sup>35</sup> “The Lahore Declaration, February 21, 1999”, Jammu & Kashmir Dispute, Pakistan Ministry of Foreign Affairs, [www.asiapeace.org/acha/kashmir111.htm](http://www.asiapeace.org/acha/kashmir111.htm), accessed 5 July, 2013.

<sup>36</sup> Mr. Lester W. Grau and Mr. Ali A. Jalali, “Kashmir: Flashpoint or Safety Valve?”.

<sup>37</sup> Prof. K.N. Pandita, “On Kashmir nuclear flash – point”, [kashmir-information.com/KNPandita/article1.html](http://kashmir-information.com/KNPandita/article1.html), accessed March 18, 2013.

<sup>38</sup> Stephen Philip Cohen, “India, Pakistan and Kashmir, *Journal of Strategic Studies*”, 25:4, 32, <http://dx.doi.org/10.1080/01402390412331302865>, accessed March 18, 2013.

<sup>38</sup> Dr. GhulamNabi Fai, “Kashmir Issue: Myth & Reality”.

2002, Kashmir remains a 'flashpoint' and 'given the danger of a nuclear war, there is no choice but to try' to find solution from within the options on table.<sup>39</sup> According to Satu P. Limaye, "Today, crises involving Kashmir seem more frequent, bloody, uncompromising, and potentially catastrophic because of India's and Pakistan's overt demonstrations of nuclear capabilities in May 1998 and their shared penchant for brinksmanship".<sup>40</sup>

Daryl G. Kimball, an American expert on nuclear issues, views that South Asia remains the most dangerous place, even thirteen years after the May 1998 nuclear test explosions by India and Pakistan. He views that Indian military thinkers are foolishly pursuing their objectives, knowing well that Pakistani army's strategy relies on nuclear weapons, to offset India's overwhelming conventional superiority.<sup>41</sup>

As pointed out earlier, it is believed that the prevailing mood, motivation and characteristics of today's native Kashmiris are different from those of their forefathers, who were more accommodative. If India and Pakistan fail or neglect to engage Kashmiris in their future discourse, Kashmiris might also give up their policy of wait and see, and take up the arms, independent of any support coming from outside. This perception has been reinforced by Surinder Oberoi, who opined that in the backdrop of their fight since 1989:<sup>42</sup>

"Kashmiri youth have learned new ways of fighting from the foreign militants, experienced fighters, whose ranks include

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<sup>39</sup> "The Kashmir Flashpoint", The New York Times, Published: January 17, 2002.

<sup>40</sup> Satu P. Limaye, "Mediating Kashmir: A Bridge Too Far", The Washington Quarterly, Volume 26, Number 1, Winter 2002-03, 158, <http://muse.jhu.edu/journals/wq/summary/v026/26.1limaye.html>

<sup>41</sup> Daryl G. Kimball, South Asia is a More Dangerous Place after the 1998 Nuclear Tests, Arms Control Now, May 13, 2011, [armscontrolnow.org/tag/un-security-council-resolution-1172/](http://armscontrolnow.org/tag/un-security-council-resolution-1172/), accessed 5 July, 2013.

<sup>42</sup> Surinder Oberoi, "Fear and Loathing in Kashmir", The Washington Quarterly, Volume 24, Number 2, Spring 2001, 198, <http://muse.jhu.edu/journals/wq/summary/v024/24.2oberoi.html>

hardened veterans of campaigns against Russian forces. Indian officers believe that the current lot of militants will fight to the finish, unlike militants in the early 1990s, who were more numerous, but not as well trained or motivated. They also have more support in the rural and poor areas than the urban and rich, accentuating this division in the valley.”

### **The Possible Role of the UN, Regional and Extra Regional Players**

The new international environment has been shaped by the fall of Soviet Union, rise of the US as sole superpower and the emergence of Non-State Actors (NSAs), as a rising challenge to the existing nation states structure. Currently, the global players are seen focused on the issue of terrorism as per the UN Resolution 1373,<sup>43</sup> and the regional disputes like Kashmir do not figure out in their foreign policy objectives.

The fact remains that the international community led by the key global players, which supported the UNSC Resolutions on Kashmir till as late as the year 2000, has become somewhat lukewarm. Since 9/11, in its fight against so called Islamic terrorism, the US one of the principal movers of the draft resolution on Kashmir, seems ill-prepared to extend its support for Kashmiris on two accounts: One, the US views that an independent Kashmir might one day end up as another permanent sanctuary for Jihadi groups; and two, the US would not like to annoy its strategic partner, that is not prepared to see a third party intervention in Kashmir issue.<sup>44</sup>

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<sup>43</sup> Major General (Retd) Mahmud Ali Durrani, “Future Prospects: Post Musharraf- Manmohan Meeting”, lecture delivered at Institute of Strategic Studies on 11 June, 2005.

<sup>44</sup> I.K Gujral, “Kashmir: no miscalculations please!”, The Hindu, August 3, 2002, [hindu.com/2002/08.03/stories/200208300501000.htm](http://hindu.com/2002/08.03/stories/200208300501000.htm), accessed 5 July, 2013; Ershad Mahmud, “Kashmir and the US Priorities in the Region”, Media Monitor Network, August 25, 2008; Puri, “Kashmir-West Must Shed its Past”, Kashmir Times, January 12, 2002; Stephen Cohen, “Washington Modest Expectations”, India Today, July 2001, 48; Aswini Ray, “From Autonomy to Self Determination”, Economical and Political Weekly, October

Keeping in view the sensitive nature of the crises between Pakistan and India, Dr. Akhtar opines, that the US seems more concerned about post nuclear crises. Its relationship with Kashmir is largely governed through the prism of crisis management. During the Kargil crisis and later on as other crises encaged, the US though played its role and managed, nonetheless, there was no doubt that it put its diplomatic weight in India's favour and forced Pakistan to concede the ground.<sup>45</sup> On the other hand, the UK remained fixed with the US policy.

With regard to China, it recognizes Kashmir as a disputed territory and wishes to see settlement of the dispute through peaceful means, but it would not like that Kashmir gets an independence status in any form.<sup>35</sup> Another important country that remains relevant to the issue is Russia, these maintains a stance that closely supports India. Russia's sensitivities are similar to that of China because it seems worried about Islamic radicalism in Chechnya and Central Asian Republics (CARs). With regard to Muslim countries, a lukewarm response is expected as a whole on Kashmir issue, though individual countries like Iran and Turkey have been supporting Pakistani stance at the formal forums.<sup>46</sup>

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2001, 4538-4543; Nasim Zehra, "Islamabad's Rethink on Kashmir", *Defence Journal*, January 2001, 14-15; "USA's Armitage says his country not trying to impose Pakistan-India Solution," *BBC Monitoring South Asia*, August 25, 2002; and Satu P. Limaye, "Mediating Kashmir: A Bridge Too Far", *The Washington Quarterly*, Volume 26, Number 1, Winter 2002-03, 157-158, <http://muse.jhu.edu/journals/wq/summary/v026/26.1limaye.html>, accessed June 18, 2013.

<sup>45</sup> Dr Shaheen Akhtar, "Kashmir Conflict, International Community, and Deterrence Stability in South Asia", 124, 125.

<sup>35</sup>Dr. Muhammad Ishaque Fani, "China's Policy towards Kashmir Dispute: From Apathy to Indifference", *Monthly Current Affairs Digest*, 2004, 21; Muhammad Amin Shahid, "Pakistan Foreign Policy: A Reappraisal", *Pakistan Defence Review*, 2003, 32; Stephen Cohen, "Washington Modest Expectations"; Aswini Ray, "From Autonomy to Self Determination"; Nasim Zehra, "Islamabad's Rethink on Kashmir"; and Kashmir: a 50-years controversy, [marjlin.free.fr/Kashmir.htm](http://marjlin.free.fr/Kashmir.htm), accessed 5 July, 2013.

<sup>46</sup> Ibid; Shireen M Mazari, "Global Geo Political Environment and Implications for Pakistan", *Zamzma*, 2004, 65.

Lastly, in the absence of active support from the permanent members of the UNSC, the UN is unexpected to mobilize the support to implement its own resolutions on Kashmir dispute. It remains a powerless institution and it is being used selectively. Dr. Akhtar views that the UN was totally marginalized in diffusing the 2001-2002 crisis between Pakistan and India, and India even refused to receive the UN Secretary General, who could only visit Pakistan and failed to achieve the intended results.<sup>47</sup>

### **Current Impasse: Probable Response of Kashmiri People**

The above indicators reveal that India sees no pressure coming from the international community. As pointed out earlier, even Pakistan government as well the society as a whole seem changing their priorities and looking forward to improve economic ties with India by throwing Kashmir issue at the back burner. During a formal interaction with former Prime Minister, of AJK Sardar Atiq Ahmed Khan, he was asked as to where were we heading as regards Kashmir policy? He responded that “there is a stalemate, because it looks as the Government of Pakistan is stuck up in its internal security problems and Kashmir issue is not projected forcefully at any forum.” He said “this is not a positive trend, this may cause damage to Kashmir policy, which we have continued to maintain over the past 65 years”.<sup>48</sup>

Thus, the current geostrategic environment has encouraged India to strengthen its hard stance on the issue. A short lived process initiated by the Pakistan government during 1997, where India and Pakistan agreed to form a ‘Working Group’ on Kashmir also failed immediately, as India backtracked from the agreement in the same

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<sup>47</sup> Dr Shaheen Akhtar, “Kashmir Conflict, International Community, and Deterrence Stability in South Asia”, 128, 144.

<sup>48</sup> The author had formal discussion with Sardar Atiq Ahmed Khan, former Prime Minister of Azad Jammu and Kashmir on March 02, 2013 from 1100-1300 hours.

manner as Prime Minister Nehru had gone back in the 1950s.<sup>49</sup> There is no sign of even a beginning being made towards a meaningful peace process.

It is strongly felt that the nuclearization of South Asia, followed by the incident of 9/11 might have helped closing the Kashmir chapter temporarily. But, it could be a myth that Kashmir is no more an agenda to be debated and resolved in the backdrop of 9/11, though, it has pushed Pakistan to take a back seat, while India is taking its advantage at the global level. In authors' candid views, the events of the past one decade may have created a stalemate, but cannot permanently foreclose the door to resolve Kashmir dispute.

Nonetheless, while there seems no military solution to the problem in hand, sooner or later a political solution has to be worked out. Secondly, irrespective of Indian and Pakistani concerns and interests, it is the people of Kashmir who are the final arbiters and their verdict has to be honoured for the lasting peace in the region. The ongoing uprising against the Indian forces has made it clear that the status-quo in Kashmir is both unjust and untenable and is not acceptable to the people. Kashmiris' commitment to the cause and concerns have been well expressed by Mr. Nazir Qureishi, a member of the Governing Council of the World Kashmir Freedom Movement (WKFM):<sup>50</sup>

“Kashmiris wished well to the people of India, but it was important to realize ‘that the issues won’t disappear, unless and until you confront the problem. It is high time that we all sit together.... if we continue to evade the problem, we will have a situation like in 1965 and 1971 when India and

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<sup>49</sup> Irfan S. Kashmiri, “Kashmir Dispute in Its Historical Background”; and “A Chronology of the Kashmir Dispute”.

<sup>50</sup> The Governing Council of the World Kashmir Freedom Movement (WKFM) held its annual meeting in London, England on October 24, 2010. The Board members met with the Officials of the Common Wealth and Foreign Office and had an interaction with the officials at the Royal United Service Institute (RUSI). They also visited the HOUSE OF Lords; and Dr. Ghulam Nabi Fai, ‘Kashmir Issue: Myth & Reality’.

Pakistan fought wars, but now these two countries have nuclear weapons.”

A detailed analysis of the CBMs’ record and the proposed options on the table clearly indicate that no serious debate was ever conducted to resolve the Kashmir dispute. Probably, there was only one possible occasion during October, 2004, when General Musharraf, being the head of state, came out with a formula which he called ‘out of the box solution’, though there was nothing new in his proposal.<sup>51</sup> In an earlier attempt, General Musharraf also tried to address the Kashmir issue during July 2001 at the Agra Summit, but regrettably the other side backtracked at the last minute and both sides even failed to come up with a joint statement.<sup>52</sup>

Currently, there seems a tacit understanding between Pakistan and India to respect the LoC, despite sporadic incidents of violation. Kashmiris consider it a fallacy because to them the LoC is the ‘Line of Conflict’, which cannot be maintained permanently. Similarly, the autonomy, while staying within the Indian Constitution is another farce. According to Dr. Fai, well repeated surveys conducted by some respected international organizations during last decade indicate that 90 percent Kashmiris are looking forward for an ‘independent Kashmir’.<sup>53</sup> The people of Kashmir are not prepared to live under the Indian Union, irrespective of the nature of the UN resolution.

The genuine political voice of the Kashmiri people, the APHC, categorically rejects violence and terrorism. The leadership is dedicated to the peaceful resolution of the conflict on any terms consistent with the right of self-determination.<sup>54</sup> Pakistan also maintains that it is not a bilateral issue anymore and committed to

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<sup>51</sup> Pervaiz Iqbal Cheema, “The Contribution of Track II towards India-Pakistan Relations”, *South Asia Survey*, sas.sagepub.com/contents/13/2/211.full.pdf, accessed march 13, 2013 ; and Dr Shaheen Akhtar, “Kashmir Conflict, International Community, and Deterrence Stability in South Asia”, 141, 142.

<sup>52</sup> “A Chronology of the Kashmir Dispute”.

<sup>53</sup> Dr. GhulamNabi Fai, ‘Kashmir Issue: Myth & Reality’.

<sup>54</sup> “Kashmir: a 50-years controversy”.



finding a just and peaceful resolution of the issue in accordance with the UNSC resolutions.<sup>55</sup> However, under the on-going and projected security and political situation at the global and regional levels, the Kashmiri people seem getting isolated, which is not a healthy sign for a long term peace of this region. If the frustrated Kashmiris under their genuine leadership decide to stand up and initiate an armed struggle to seize 'Azadi', the on-going cooperation between Pakistan and India would be seriously hampered and eventually both sides might once again find themselves in the opposite camps.

### **The Suggested Way Forward**

Let us be realistic and honest with ourselves. War is no more an option to resolve the disputes. Pakistan needs domestic stability and peace with India, friendship may come later. Pakistan cannot have an option of its own choice, but at the same time, it cannot afford to sell the rights of Kashmiris to India. Therefore, we need to develop modalities and strategies for a compromise settlement, acceptable to all stakeholders.

The former prime minister of AJK, Sardar Atiq, suggested that the Kashmir cause should remain alive through political, social, moral and diplomatic pressure on India in one or the other form and it is in the interest of peace in South Asia. In order to keep the issue alive at all forums, a systemic and incremental approach should be maintained rather than retreating and showing the weakness. He was of the view that a final and long lasting solution of the Kashmir issue might not be in the sight in near future, however, he recommended that the process should continue. He strongly recommended that side by side with the current level of bilateral trade, the other social interactions should not only be maintained but also enhanced and strengthened.

We also propose that an exhaustive interaction at the global level in the form of table talks, seminars, and workshops on the subject issue should continue. They should help remove the irritants

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<sup>55</sup> The OIC Contact Group Meeting on Kashmir was held at the United Nations headquarters in New York which was chaired by Dr. Ekmelludine, Ihsanoglu the Secretary General of the OIC, on September 23, 2010.

and create the environment, which may help in evolving workable options to resolve the long pending issue.

We also believe that a defeatist approach, as it appears currently, would definitely lead to total collapse of our Kashmir policy, which is neither desirable nor strategically favourable to Pakistan, as well as that of people of J&K. Our principle stance should remain visible at all forums.

We are of the firm view that India can still be forced to come on table. In order to do so, Pakistan should continue to do proactive diplomacy to coordinate its efforts at the OIC level to influence India and persuade New Dehli to re-visit its foreign policy. As India is already desperate to acquire a seat in the UNSC, it would definitely need OIC's wholehearted support. If we are able to convince the OIC, we can bargain for Kashmir vis-a-vis support for India's stance at the UN forum.

We fully support the suggestion made by Sardar Atiq at the OIC forum for setting up an 'Occupied Kashmir Human Rights Violations Monitoring Mechanism' and make diplomatic efforts to persuade India for meaningful talks on Kashmir with Pakistan. The sooner this process takes off the ground, the better it would be. This initiative would definitely bring tremendous moral pressure on India and might force it to re-visit its Kashmir policy.

In addition to OIC, China's role will be crucial in India's getting into the UNSC. If we succeed in coordinating our efforts, especially with China and the OIC, we may hope that ultimately the Kashmir dispute will be resolved peacefully.

The authors are of the view that, while promoting the Kashmir cause at various levels, piecemeal solutions, as we did in the recent past, should be avoided. The debate should remain focused on the recognized UN Resolutions on Kashmir. However, as and when the political and security environments are improved, and both sides are fully prepared to sit across the table, the adjustments can be made accordingly.

While terrorism is not a Pakistan specific issue, Pakistan should continue eliminating the threat to its own people as well as its neighbours from terrorist structures based on the Pakistan soil i.e. FATA, where Pakistan is presently stuck up. However, a single attack on the Indian soil from the “terrorists” of Pakistani origin should not spoil the entire effort. Pakistan and India should promote cooperation to wipe out the menace of terrorism.

In our candid opinion, both countries seem to be ‘virtual prisoners of their past’. The legacy cannot go on indefinitely because the future challenges are common. Economic well-being of the people is heavily dependent on energy security, which has created a ‘complex global interdependence’. Like other states, India too is desperately in need of energy. Therefore, Pakistan might persuade India to join Iran-Pakistan gas pipeline and additionally TAPI gas pipeline must also be energized, which might build more pressure on India at some stage and force it to re-visit its foreign policy.

Whether or not the CBMs would yield desired results, the process must continue, as its significance cannot be denied. Although, one may not expect miracles, as the national interests are always supreme, but at least the process might help in building a requisite comfort level among the two countries for a more peaceful region and avoidance of explosive situations.

The authors fully endorse the views of Tinaz Pavri, who “calls for the maintenance of sustained and dedicated communication channels that will remain in place and continue to build trust after crises are settled, rather than the ad-hoc ways in which the two countries have communicated during crises thus far”. That means even, if we are unable to find headway, both sides should remain in communication to avoid any untoward incident leading to crisis.<sup>56</sup>

Apparently, the resolution of the Kashmir dispute bilaterally seems to be a distant task. Pakistan should never let the forums like

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<sup>56</sup> Tinaz Pavri, “Shall We Talk? Communications during Crises in the India-Pakistan Conflict”, *The Round Table: The Commonwealth Journal of International Affairs*, July 10, 2009, 403, <http://dx.doi.org/10.1080/00358530903018079>, accessed March 18, 2013.

the UN to become redundant. Secondly, Kashmir is recognized as a “nuclear flashpoint” internationally. Therefore, it is strongly felt that the sensitivity of the issue should be highlighted at every forum even at the cost of repetition, so that the international community remains abreast with the current and upcoming security environment.

In this regard, the statement made by the world leaders like the Foreign Minister of Finland, Alexander Stubb, was very important, and it helps strengthen the above argument. He said, on May 4, 2010:<sup>57</sup>

“I think in an issue like Kashmir, it’s obviously quite clear that you have two parties, at least. And it, thus takes two to tango. But if a bilateral solution has not been found in 60 years, then, perhaps other avenues for a solution should be found. In almost all conflicts in this world... if you cannot find a solution among the parties concerned, you would never. It is also quite often true that without mediation from a third party you will never find a solution, I think Kashmir is an example.”

The history proves that the movements for the rights of the people could not be controlled through force for too long. The author sincerely suggests that the international community may not sit back and allow the peaceful demand turning into a violent movement. Delayed response would lead to destabilization of this region, which is not in the interest of the regional countries and the world at large.

### **Conclusion**

Given the conflicting territorial claims in Kashmir, and the current and e emerging geo strategic environment, there is no immediate end in sight to this conflict. Additionally, the ongoing water dispute between the two countries, if not resolved amicably,

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<sup>57</sup> Tinaz Pavri, “Shall We Talk?”

would further complicate the issue.<sup>58</sup> Thus, the stakes in this conflict have global significance. In this difficult context, the CBMs, which remain occasionally hostage to other development in the region, must not be allowed to die down. They help to a great extent in diffusing tensions.<sup>59</sup> This work is vital, when the potential for local violence to spark larger conflicts carries such huge dangers.

From Pakistani perspective, Kashmir remains a core political dispute with India. The exchange of fire between the two forces across the LoC is a routine matter. One must remember that if a single assassination in Europe (killing of Arch Duke Ferdinand, heir to the Austro-Hungarian throne and his Duchess, reputedly done by a Serbian inhabitant)<sup>60</sup> could lead to trigger the World War-I, which subsequently played havoc with the remained, how can one be sure that escalation across the LoC would be managed at the lower level all the time.

With each passing day, the issue of J&K is becoming more complex. To begin with, there were two principle parties to the conflict namely Pakistan and India and the Kashmiris were to follow what both were expected to decide. But with the global, regional political and security changes, the stakeholders in Kashmir have increased from two to almost seven including India, Pakistan, Kashmiri Muslims in the State, people of Gilgit-Baltistan, Kashmiri Hindu Pundits and Buddhists. Even common Kashmiri people and the separatists with rigid ideology may also adopt different stances, when question of Kashmir's future comes under debate. There is yet another factor, the people living in the Pakistan side of Kashmir and Gilgit & Baltistan could react totally in a different way.

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<sup>58</sup> U.S. Library of Congress, Congressional Research Service, Security and Environment in Pakistan, by Bruce Vaughn et al, CRS Issue Brief R41358 (Washington, DC: Office of Congressional Information and Publishing, August, 2010).

<sup>59</sup> "Insight on Conflict", [www.insightonconflict.org/Kashmir](http://www.insightonconflict.org/Kashmir), accessed March 18, 2013.

<sup>60</sup> Richard W Mansbach and Kristen L.Rafferty, Introduction to Global Politics (270 Madison Avenue, New York, 2008), 110.

To conclude, finding a durable solution is a time consuming task that warrants extensive deliberations at various levels. The process if initiated now might take another decade before the people of Kashmir start living peacefully.

## **Kashmir - A Case of Human Tragedy: Legal and Moral Questions**

Dr Raja Muhammad Khan \*

### **Abstract**

**K**ashmir dispute is the long-standing issue on the UN agenda. It is not a bilateral dispute, as it is being projected by the successive Indian governments; rather it is related to an inalienable right to self-determination of the people of Kashmir to decide their future on their own, as per canons of justice, the principles of Indian Independence Act of 1947, UN Resolutions and UN Charter. The people of Kashmir have rendered unprecedented sacrifices for the cause of their struggle. Mind boggling atrocities have been perpetrated by the Indian armed forces for the last more than two decades in a bid to suppress the freedom struggle of Kashmir, which however, they have not been able to do. The gross human rights violations in the Indian Held Kashmir pricked and impelled the conscience of the international community to investigate and record the number of deaths, injured persons, rapes, molestation, arson, and looting of houses and shops.

The reports by independent investigation agencies, like the Amnesty International and other human rights organizations, are now available, to provide sickening evidence of the Indian brutalities in Kashmir. All this has happened in this age of globalization, human rights awareness, information, technology and so called enlightenment. The paper in hand is an attempt to present and juxtapose the human tragedy in Kashmir, against the claims of 'belief in non-violence' and 'the largest democracy of the world' that the Indian media so ardently preach. The aim is to give voice to the people, whose voice has been reduced to silence under the gun fires, and whose cries, somehow, could not reach the iron-clad corridors of

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Indian policy-makers and armed forces. It needs to be realized by the leadership of both India and Pakistan and their policy-makers that the issue of Kashmir has to be solved sooner or later. Whether it will be done without further spilling of blood or would it entrap the entire South Asia into a conflict of mutual annihilation is, in fact, the test of their prudence.



## Introduction

Upon the establishment of the United Nations Organization, colonialism came into sharp contrast with the right to self-determination. Resultantly, many of the Afro-Asian countries, including India and Pakistan, were de-colonized and given independence. The UN, though partially successful in certain cases to succour the oppressed people in gaining their legitimate right to freedom, however, miserably failed in the case of peaceful resolution of the long-standing issue of Kashmir, to grant its people the right of self-determination. In fact, the miseries of Kashmiris started with the 1846 Treaty of Amritsar, which have now increased manifold over the years. Earlier, Kashmiris' peaceful endeavour to get out of the clutches of slavery was brutally crushed in 1931, when Dogra Army committed the worst human massacre, by killing 21 innocent Kashmiris in front of the Srinagar Jail. Dogra rulers subsequently committed the worst kind of human rights violations against Kashmiris, until they revolted against the regime in October 1947 to become part of Pakistan. Unfortunately, the revolt could bring only a partial success, with a bulk of the state occupied by India under a fraudulent instrument of accession.<sup>7</sup> Thereafter, in defiance to the UN resolutions, India continuously denied the right of self-determination to Kashmiris until their peaceful struggle was forced to convert into an armed resistance against the Indian occupation in early 1990s.<sup>8</sup> Subsequently, in gross violation of human rights, India started a deliberate move against Kashmiris through its armed forces. The successive Indian governments gave special powers to its security forces, in order to keep the Kashmiri people under continuous suppression, which is in total violation of international law, moral standards and respect for humanity. This continues unabated even today.<sup>9</sup>

This paper is an attempt to highlight the Kashmir Issue as a case of human tragedy, if seen through the lens of law and morality, as envisaged in the Universal Declaration of Human Rights 1948 and Article-1 of the UN Charter. The paper analysis that all humans are born free; they are equal in dignity and rights, thus, no one should be killed or become victim to torture, inhuman punishment, arbitrary

arrests and detention. Hence, all discriminatory laws, especially those designed for human rights' violations in Kashmir, should be abolished. The centrality of the people of Kashmir in this dispute should not only be accepted, but they should also be afforded with an opportunity to exercise their right to self-determination, as orchestrated in the UN resolutions, without further bloodshed and loss of time.

## **2. Kashmir Dispute - A Perilous Stalemate**

Pundit Kalhana, a famous Kashmiri historian, wrote in *Rajatarangini* (The River of Kings) in the 12<sup>th</sup> Century AD, "Such is Kashmir, the country which may be conquered by the forces of spiritual love but not by armed forces."<sup>10</sup> In April 1991, Mr Rajiv Gandhi (then Indian Prime Minister) in a statement said, "The brutalities of the Indian Army and Central Reserve Police meant that India may have lost Kashmir."<sup>11</sup> Owing to its complex nature in May 1998, the former US President, Mr Bill Clinton, called Kashmir as, "the most dangerous place on earth."<sup>12</sup>

The dispute, emerging on the United Nations' agenda in 1948, is being recognized to be one of the most intractable and dangerous political disputes facing the international community.<sup>13</sup> A bellicose history, religious rivalry and a general sense of antipathy towards each other have put Pakistan and India at loggerheads for the past 66 years.<sup>14</sup> Since 1990, it has turned into a perilous war zone through an armed rebellion against the Indian rule.<sup>15</sup> It has further undermined the prospects of regional integration and raised fears of a "deadly Pakistan-India conflict."<sup>16</sup> In a likely scenario of nuclear exchange, this is an established fact that, in all eventualities, "the road to peace in South Asia passes through the valley of Kashmir".<sup>17</sup> After years of unfaltering persuasion by Pakistan, on the sidelines of 12<sup>th</sup> SAARC Summit, held in Islamabad in January 2004, the Indian government agreed to move forward on Kashmir through negotiations with Pakistan in a peaceful manner. Unfortunately, except for a few rounds of talks, there have been no worthwhile progress, and particularly after the Mumbai incident of November 2008, there has almost been a total deadlock.

### 3. Human Rights Violations

Although the people of Kashmir have never accepted their state as part of India, however, they waited until 1990 for a peaceful resolution of the issue. In late 1980s, during the elections for Lok Sabha, and later the Legislative Assembly of Indian Occupied Kashmir, the people of Kashmir rejected the elections under the Indian Constitution, as the voters' turnout was less than 10% in average.<sup>18</sup> There had been less than 3% ratio of vote cast in some areas of the occupied state.<sup>19</sup> This rejection by the Kashmiri masses, caused panic in the ranks of Indian government, which imposed Governor Rule under malicious dictators like K.V. Krishna Rao and Jugmohan, having absolute powers to brutalize the Kashmiri people, in order to suppress their demand for the right of self-determination.<sup>20</sup>

During the decade of 1990s, the repressive Indian acts against Kashmiri people became the order of the day. Siege and search operations, ransacking of the houses during searches, identification parades, dusk-to-dawn curfews without a break, random arrests of mostly the youths, including teen-age boys, became a hobby of Indian soldiers deployed in held Kashmir.<sup>21</sup> Besides, indiscriminate shootings, massacres, target killings, severe beating of civilians, irrespective of age and sex-physical torture at detention centres, night raids, and rapes by the Indian army personnel became a routine.<sup>22</sup> There have been no let-up in the Indian brutalities even after the Kashmiri people denounced the armed conflict in 2002-2003, and started a peaceful political struggle for their right to self-determination.

The Indian forces breached all limits of human rights violations in the Occupied Kashmir. With the promulgation of an ordinance on July 5, 1990, the Indian army and paramilitary forces were given broad powers to raid and raze residential houses, suspected of being the hide-outs of those struggling for their right of self-determination. According to a recent report on human rights violations in the Indian Occupied Kashmir at the levels of Indian security forces, 'there have been deaths of 93,274 innocent

Kashmiris from 1989 to 2010'.<sup>23</sup> Besides this alarming figure of brutal killings by its security forces, there have been 6,969 custodial killings, 117,345 arrests, destruction and burning of 105,861 houses and other physical structures in the use of the community as a whole. The brutal security forces have orphaned over 107,351 children, widowed 22,728 women and gang-raped 9,920 women. During the two recent phases of peaceful demonstration by Kashmiri people in 2008 and 2010, the strategy used by the Indian security forces was even more brutal, as compared to the one applied during 1990s. This brief account, indeed, is the reality that exposes so called Indian achievements, compared to the one on which they are trumpeting as their success in Kashmir through counter insurgency operations."<sup>24</sup>

#### **4. Amnesty International on Human Rights**

The Amnesty International published a 70-page report in 2011, based on a research carried out by a team of the Amnesty in May 2010. It is, indeed, a case study of 600 individuals, detained under Public Safety Act, from 2003 to 2010. It stresses upon the Indian government to revoke the controversial law under which innocent Kashmiris are held in prisons for years without trial, while "depriving them of basic human rights otherwise provided under Indian law."<sup>25</sup>

In the US State Department's Annual Assessment Report - 2010, on the state of human rights, around the world, it has shown serious concern over the human rights violations, committed by the Indian forces on innocent Kashmiris. The report says, "There were numerous reports that the government and its agents committed arbitrary or unlawful killings, including the extra-judicial killings of suspected criminals and terrorists, especially in areas of conflict such as Jammu and Kashmir, the North Eastern States, and the Naxalite belt, where non-governmental forces also committed such killings."<sup>26</sup>

As indicated by a report of the National Human Rights Commission (NHRC) of India, "1,224 of the 2,560 police encounter

cases reviewed since 1993 had been staged by security forces.”<sup>27</sup> “Torture in police custody remains a widespread and systematic practice in the country and there is a lack of any effective system of independent monitoring of all places of detention facilitates torture.”<sup>28</sup> As per the reports of the independent NGOs, in 2010, approximately 2,950 political detainees were arrested by the Indian forces. The Kashmiri leadership, especially in of the APHC fold, is also placed under detention more commonly.

## **5. Kashmir – The Humanitarian Issue**

There has been a debate whether Kashmir is a political or a religious issue. A dominant class believes that it is a political issue. A limited class, however, sees it in the religious context of the state. Nevertheless, over the years the humanitarian dimension of the issue has become more pronounced than the other two. Today the global community has a realization that the massive human rights violations in the occupied state have to be dealt with under the provisions of the Universal Declarations of Human Rights of December 1948 and Article-1 of the UN Charter. Under the declaration, the broad guidelines are, “All human beings are born free and equal in dignity and rights.”<sup>29</sup> The declaration prohibits arbitrary arrest and detention of any human being” and it declares, “No one shall be subjected to torture or a cruel, inhuman or degrading treatment or punishment.”<sup>30</sup> The declaration takes a lead from the UN Charter, which aims to, “develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples.”<sup>31</sup> Article-1 of the UN Charter emphasizes on the promotion and encouragement of respect for human rights and for fundamental freedoms for every individual without discrimination.

In violation of international law and even India’s domestic laws, the Indian security forces are still committing gross human rights violations in the occupied Kashmir. In 2008 they fired on the peaceful demonstrators and killed dozens of innocent Kashmiris, including APHC leader Sheikh Abdul Aziz.<sup>32</sup> These protestors were asking for a safe passage to sell their fruits and other agricultural

produce either to Indian markets or to Azad Kashmir. Their movement was blocked by the Indian forces along with Hindu nationalists under BJP and RSS, thus, disallowing them their legal right of selling their produce. Like all other discriminatory acts of the Indian security forces, this was a clear violation of the international humanitarian law.

## **6. Repressive Legal Framework: Powers for Indian Security Forces**

As the result of Governor Rule in the state of Jammu and Kashmir in 1990, special draconian laws for the State of Jammu and Kashmir were introduced. On July 5, 1990 through a special amendment in the Jammu and Kashmir Public Safety Act (PSA) and the Terrorist and Disruptive Activities (Prevention) Act, 1987 (TADA), the Indian security forces were given sweeping powers of arrest and detention.<sup>33</sup>

### **6.1. The Jammu and Kashmir Public Safety Act (PSA)**

This law permits the forces to detain the people for a period up to two years on vaguely defined grounds, to prevent them from acting in any manner, which the security forces conceive as to be prejudicial to the security of the state or the maintenance of public order. The blanket provisions of this law permit the authorities to detain persons without trial for simply asking whether the state of Jammu and Kashmir should remain part of India. This contravenes their right to express their opinion guaranteed in Article-19 of the International Covenant on Civil and Political Rights (ICCPR).<sup>34</sup> It is a clear violation of human rights by the Indian forces, as they have never permitted any detainee or arrested person to know the charge or allegation against her or/him.

## **6.2. The Terrorist and Disruptive Activities Act (TADA)**

TADA was imposed in 1990 with the clear intent of preventing, “any action taken, whether by act or by speech or through any other media, which questions, disrupts or is intended to disrupt, directly or indirectly, the sovereignty and territorial integrity of India or which is intended to bring about or support any claim for the cession of any part of India or the secession of any part of India from the Union.”<sup>35</sup> TADA permits the state authorities and Indian forces to detain the people arbitrarily, again with the purpose of denying them the political right of ‘freedom of speech’. This cruel act allows the authorities to arrest or detain people just on mere suspicion and people can be remanded up to 60 days in police custody. The Amnesty International has analysed the provisions of TADA and found it completely in violation of important International Human Rights laws. No guarantee is given for freedom of expression or security for a fair trial in the TADA.<sup>36</sup>

## **6.3. Armed Forces Special Power Act**

As per section 4 (a) of the Armed Forces Special Power Act, for the army and para-military forces, “If is necessary so to do for maintenance of public order - - - - fire upon or otherwise use force even to the cause of death against any person, who is acting in contravention of any law or order for the time being in force in the disturbed area, prohibiting the assembly of five or more persons or the carrying of weapons or things capable of being used as weapons or of fire arms, ammunition or explosive substances.”<sup>37</sup> These sweeping defined powers provide sufficient ground for shooting of detainees or even suspects. Despite expression of concern by the human rights organizations and Amnesty International over these ‘cruel laws’, which contravene the right to life, the Indian government has not bothered to soften the provisions. All these laws make the security forces of India, operating in the state of Jammu and Kashmir, immune from prosecution for acts committed while exercising powers under these laws. Thus, members of the forces are encouraged to act with impunity.<sup>38</sup> Section-22 of the PSA prohibits legal proceedings against officials for acts “done in good faith”.

Section-26 of TADA, under which many prisoners were held in the state, prohibits legal action against any member of the security forces 'purporting to exercise power in good faith'.<sup>39</sup> Similarly, Section-7 of the Armed Forces (Jammu and Kashmir) Special Power Act provides that unless previous permission has been obtained from the central government, "no prosecution, suit or other legal proceedings shall be instituted against any person in respect of anything done or purported to be done in exercise of the powers conferred by this Act."<sup>40</sup> A member of the UN Human Rights Committee (UNHCR) has responded to this in the following words; "Purported is the dangerous thing, because anyone killing can say, well I thought, I was performing my functions: It is a highly dangerous (word), when one is dealing with the right to life. I sincerely hope, Attorney General, that you will bring this to the attention of the government. True, there are disturbed areas, but people also live in disturbed areas and not everyone cause disturbance in a disturbed area." Despite hectic efforts of incumbent Chief Minister of Occupied Kashmir, Mr. Omar Abdullah, the Indian government refused to repeal this discriminatory act. Indeed, the Indian army desired this act should remain in its hands as a strong weapon for the massacre of innocent Kashmiris. As a helpless Chief Minister in front of occupant army, on January 2012, he had to accept, "I would like to see things move a little faster. But these things have a life of their own, a time of their own, as these are not the only issues in front of the ministry of defence."<sup>41</sup>

## **7. Pattern of Indian Atrocities in Kashmir**

There has been no let-up in the Indian brutalities on Kashmiri masses, despite the fact that today people are more aware, world conscience is more alive, electronic medium is too fast and there are a number of human rights organizations as well as laws to protect the human rights. Millions of Kashmiris are being tortured for raising their voice against the oppression by Indian occupation forces, which are adopting even worse methods than those used by the Dogras prior to 1947.<sup>42</sup> The Asia Watch and Physician for Human Rights about Indian atrocities reported, "In their efforts to crush the insurgency, Indian forces in Kashmir have engaged in massive



human rights violations, including extra-judicial assaults on health care workers. The Indian security forces have systematically violated international human rights and humanitarian law. Among the worst of these violations have been the summary executions of hundreds of detainees in the custody of security forces in Kashmir. Such killings are carried out as a matter of policy. More than any other phenomenon, these deliberate killings reveal the magnitude of the human rights crisis in Kashmir".<sup>43</sup>

### **7.1. Shoot to Kill and Extra-Judicial Killings**

This is the most common method used by the Indian forces for their brutal activities on Kashmiri Muslims.<sup>44</sup> They consider themselves justified in doing so, as they feel that they are surrounded by insurgents, who demand their freedom. The Indian forces have taken these powers as a licence to kill even unarmed masses. Jugmohan, who has twice been governor of Kashmir, was notorious for allowing security forces to commit such atrocities.<sup>45</sup> It is evident from his book "My Frozen Turbulence in the Kashmir",<sup>46</sup> in which, he has shown his hatred for the Kashmiri Muslims. The Kashmiri freedom movement for the last two decades is replete with such type of shoot to kill incidents.

### **7.2. Torture**

Ever since the start of present uprising in Kashmir in 1990s, torturing of the general populace has been the most common method, adopted by the Indian security forces. They have perpetrated wide-spread torture and atrocities, especially on the youth of the valley, with the aim to terrorize the Kashmiris, to quell their resistance to Indian subjugation. Indian forces are using various methods for torturing the Kashmiris. In an investigation report of Amnesty International in Indian occupied Kashmir, the doctors who treated victims of torture in their clinics and hospitals said that most of the patients they got from interrogation and torture centres were with acute renal failure. Now they are calling it 'Physical Torture Nephropathy'. They attribute this to a combination of de-hydration during torture and break-down of soft tissues.

Unless treated urgently, these ailments lead to death. People of the state are tortured through many other methods. After apprehending, they are taken to various torture centres, where they are beaten up with flexible metallic rods and wires. Their bodies are burnt with hot iron bars. At times they are made to lie on the ground and rollers are moved through their bodies. In most of the cases their heads and beards are shaved off, after which they are given electric current.

### **7.3. Custodial Killings**

Custodial killings have also been a common feature, used by the Indian security forces in Kashmir during the last two decades. According to an Indian Punjab Human Rights Organization (PHRO), "Army portrayed the attitude and behaviour of occupation forces such as Nazis in Europe during the worst days of occupation".<sup>47</sup> Actually during these crackdowns, Indian forces cordon off the villages, followed by segregation of males and females. Among male members, they normally take youths to their custody in various interrogation centres and, then, misbehave with women folk. According to the officials of the various world human rights organizations custodial killings are part of Indian policy. Indian officials even admit that their government is pursuing a policy of "catch and kill" in the occupied state. In 1990s, Indian security forces used to kill Kashmiris, because jails were full or else they wanted to frighten the people, so that they might abandon the demand for their right to self-determination. Kashmiri youth is special target of custodial killings. As per Asia Watch, throughout 1990s, the number of custodial deaths in the occupied Kashmir ranged between 60 to 70 per month.<sup>48</sup>

### **7.4. Arson and Looting**

Besides custodial killings and torture, Indian security forces have also committed widespread looting of houses and business centres of Kashmir. They remained engaged in acts of arson, setting houses shops and markets on fire. In many cases during early years of uprisings, while burning houses and shops, they forced the

inhabitants to stay inside, by firing on all exit routes. According to a 1993-report of Asia Watch and Physicians for Human Rights; "Broad swath of Srinagar, Kashmir's capital have been reduced to rubble, burnt last month (April 1993) by Indian soldiers. Residents who tried to escape the flames were fired upon by security forces, which first bolted the doors of several buildings."<sup>49</sup>

By committing these brutal acts, Indian security forces aim to punish those Kashmiris, whom they think that they are supporting the Kashmir liberation movement. Regarding the arson and looting by the Indians forces a Paris-based international human rights group, FIDH, noted with concern, "The security forces steal from the houses they search - - - - . Not only are their homes subject to sudden violent and arbitrary invasion, their persons to physical threat and torture but their property too is subject to theft and rapacious removal. This occurs most often in rural or working class areas and it is the poor who are hit the hardest. Traditionally, rural Kashmiris have kept their monetary savings and valuables at home, contacts with banking institutions being relatively limited. This has made rich and easy pickings for the rampaging dishonest personnel of security forces. Theft occurs more frequently in the course of searches during crackdowns."

### **7.5. Rapes and Molestations**

The incidents of rape and sexual abuse of women by the Indian security forces have been more common in the occupied Kashmir. Since the start of Kashmiri uprising in 1990, rape has been systematically used as a means of punishing women of all those areas, which are suspected of supporting the freedom fighters. Besides rapes and molestations, sodomy and many other forms of sexual abuses are very widely practised by the Indian security forces on women, youth and children in the state. A report of International Human Rights Organization (IHRO) observes, "The Indian state is fully behind the wrong-doings (rapes) as it has proved by its failure to hold any credible investigation and to punish the guilty. The Indian state encourages this as a matter of policy; similar behaviour is carried out by security forces in respect of other minority

communities elsewhere in the Punjab, Assam and other minority regions and communities.”<sup>50</sup>

The Asia Watch and Physicians for Human Rights have noted in their joint report of 1993, “the Indian security forces have frequently committed rapes as a part of their counter insurgency operations and have used rape as a weapon to punish or intimidate female victims.” As per FIDH, “The infamous mass-rape by the Indian army at Kunan Poshpora was reported widely in international press. It is to-date, the most sickening example of the brutal excesses of the security forces against the women in the world. They also observed, “Rape is used as a means to target those women whom the security forces accuse of being sympathisers of the militants. By raping women, the security forces are attempting to punish and humiliate the entire community.” As per Britain’s Independent Report of September 18, 1990, “Women are strung up naked from trees and their breast lacerated with knives, as the Indian soldiers tell them that their breast will never give milk again to a new born militant. In many cases, women were raped in front of their husbands and children or paraded naked through villages and beaten on the breasts.”

#### **7.6. Mass Graves in Indian Occupied Kashmir**

Thousands of mass graves have been unearthed in the Indian Held Kashmir (IHK). Over 940 graves were found only in a part of Baramulla district alone, some containing more than one cadaver. As per the locals, most of these were dug by locals, coerced by the police, on village land. Bodies dragged through the night, some tortured, burnt and desecrated. Security forces gave the impression to the locals that those were the ‘foreign militants’. However, once exhumed and identified in some cases, it was revealed that those were local people, innocent Kashmiris, terrorized by India and killed in fake encounters. Facts of the mass graves were unearthed by various local and foreign teams, including International People’s Tribunal on Human Rights and Justice in Indian occupied Kashmir.<sup>51</sup> As per Daily Times, human rights groups in IHK had “found unmarked graves containing several thousand bodies in the revolt-

hit region during a three-year survey of dozens of villages.”<sup>52</sup> International People’s Tribunal on Human Rights and Justice and Srinagar based groups have found 2,900 bodies from 2,700 graves, which are ‘unknown, unmarked, and mass graves’.<sup>53</sup>

Upon revelation of mass graves in various parts of occupied Kashmir, the European Union Parliament passed a condemnation resolution against the brutalities by the Indian state forces in 2007. European Union has also demanded immediate investigation of the issue and has even offered assistance to probe mysterious deaths of thousands of disappeared Kashmiris since 1989.<sup>54</sup>

## **8. International Response over Human Rights Violations in Kashmir**

In the wordings of Howard B. Schaffer, a scholar of Georgetown University, USA, “basically, Washington lacked the power to compel India to make major political and territorial commitments on Kashmir, and these were absolute requirement for a settlement of Kashmir dispute.”<sup>55</sup> The disputed nature of the Kashmir issue, in general, and human rights violations there, in particular, is gaining the attention of international community, but hardly there have been any focused attempt to undo the past mistakes. It has been observed that the international community has been indifferent to the Indian brutal acts against Kashmiris. Non-condemnation of these Indian acts of massive human rights violations by the international community has further encouraged the Indian armed forces to continue with their brutalities on the armless Kashmiri masses. The incumbent British Prime Minister, David Cameron was bold enough in accepting this historical remorse in a statement, during his visit to Pakistan. The Premier, when questioned to play a mediatory role towards the settlement of the issue, denied to do that. However, he accepted the mistakes committed by Britain during the colonialism. He said, “I don’t want to try to insert Britain in some leading role, whereas, with so many of the world’s problems, we are responsible for the issue in the first place.”<sup>56</sup> Great Britain has supported all the UN resolutions on Kashmir, calling for the settlement of the issue and its successive leadership too have been emphasizing for its

solution. In January 2009, David Miliband, the former British Foreign Secretary emphatically accentuated on resolution of the Kashmir issue during his visit of India. Earlier President Obama had revealed his resilience to establish peace in South Asia, by making earnest efforts to resolve unsettled dispute of Jammu and Kashmir. In an interview, he said, "We should try to resolve the Kashmir crisis so that Pakistan can stay focused not on India, but on the situation with those militants?"<sup>57</sup>

There is a big question mark on the role of the United Nations, the only international organization, mandated to redress the grievances of the oppressed people of the world. The organization has badly failed to discharge its responsibilities and implement its own resolutions towards a rightful resolution of the issue. Besides, major powers had a role to play for the maintenance of peace and a balance in the world, but owing to a number of factors; they also failed to undertake their moral responsibilities from the platform of the UNO. Through the new strategic alliances, India has become a partner of the major powers like; United States, European Union, and Russia. These major military and economic powers have their stakes in India, a country having 1.3 billion population. Within these major interests, the voice of Kashmiris for their right to self-determination has lost its pitch as well as the echo.

On the eve of the 11<sup>th</sup> International Kashmir Peace Conference, held in Capitol Hill, Washington, in July, 2010, the participants felt that to end the "perennial suffering of the people of Jammu and Kashmir, expeditious resolution of Jammu and Kashmir dispute on permanent basis has become urgent and essential."<sup>58</sup> Dr. Ghulam Nabi Fai, the executive director of the American Kashmir Council, emphasized that, "the United Nations must lead the effort to achieve a fair and lasting settlement of the Kashmir dispute."<sup>59</sup> The participating US Congressmen expressed their deep anguish over the continued human rights violations in the IHK. They called upon India for ending the "persecution of people in the state and respecting human rights in the state." The US think tanks and MPs were of the opinion that "for bringing peace in South Asia, the resolution of Kashmir dispute has become imperative."<sup>60</sup>

## **9. Implications and Suggested Way Forward**

The bleak tale of Indian brutalities on helpless people of Kashmir would make one feel that there has been mysterious silence by the international community over the violation of massive human rights in the Indian occupied state. There have been probes by the international human rights organizations like Amnesty International, UNHCR, and many other organizations, but no one seriously tried to unearth the hidden Indian atrocities on the Kashmiri people and, if found the traces, there have been no efforts to redress those. Had these violations occurred in some other parts of the world, especially in western world, the situation would have been different. With minor human rights violations in Sudan and without any violation in East Timor the referendums were held, where people voted for separation even from their native countries. It is very sad that the world body is unable to raise its voice against such horrendous crimes by the Indian troops in Kashmir, which has no legitimacy whatsoever on Kashmir.

Thus, there is a need to appeal to the international community to listen to the voices of their conscience. Closing of the eyes and ears by the international community on the massive human rights violations in Kashmir at the hands of Indian security forces would not end the issue. Rather the seething protest against Indian human rights violations would endanger the world peace to an extent that may be unimaginable now, as Pakistan and India are nuclear-armed countries. Therefore, the UNO, US, Russia, European Union and China must pressurize India to immediately end the human rights violations in Kashmir, pull out its security forces and resolve the issue as per the wishes of Kashmiri people in the light of UN resolutions. This would bring peace and stability in the region. After all, global peace must be dear to the major powers too.

## **10. Conclusion**

How Indians treat Kashmiris is evident from the statement of former Kashmiri Prime Minister and Chief minister, Sheikh Abdullah, who once said, "Indian authorities treated me like a 'Chaprasi'

i.e.peon.” He was considered to be the most trusted friend of Indian government, who concluded a formal agreement with India; Kashmir Accord-1974. Despite serious reservations on the inhuman laws by UNHCR, Indian forces were given sweeping powers to brutalize the Kashmiris. Indian government has done nothing to change these cruel laws. The Amnesty International and Kashmiris strongly feel that these laws are a licence in the hands of the Indian security forces to kill the helpless Kashmiris in custody as well as on open roads and streets. Since no member of the security forces, including Kashmir police, can be prosecuted and charged to have committed human rights violations, therefore, they are free to do any thing with the lives of Kashmiris under the cover of these laws.

If international community is really desirous of bringing peace and stability in South Asia, then, there is a requirement of deliberate and dedicated effort to undo the historical wrongs done to the people of Kashmir, by resolving the Kashmir dispute as per the wishes of the people of the State of Jammu and Kashmir. It is a considered view of this, writer that the resolution of this issue would resolve all other issues directly or indirectly linked with it, which would lead to economic prosperity and political stability in the so far volatile region of South Asia.

## Endnotes

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<sup>3</sup> Khayal Ghulam Nabi, *Kashmir: The Burning of a Paradise* (New Delhi: Kalpana Printing House, 1992), p.25.

<sup>4</sup> Muhammad Yousaf Saraf, *Kashmiris Fight for Freedom-Vol-I (1819-1946)*, Ferozsons Ltd, Lahore; 1977. P. 64.

<sup>5</sup> Jafri Maqsood, *Plight of Kashmir* (Rawalpindi : Kashmir Liberation Cell, 1998), pp.48-53.

<sup>6</sup> Howard B. Schaffer, *The Limits of Influence: America's Role in Kashmir*, Penguin Viking, New Delhi; 2009. P. 153. *Times of India*, March 11, 2000.

<sup>7</sup> *Ibid.*

<sup>8</sup> Amin Tahir, *Mass Resistance in Kashmir-Origin, Evolution, Options* (Islamabad: Institute of Policy Studies, 1995), p.53.

<sup>9</sup> *Ibid.*



<sup>10</sup> Ganguly Rajat, *India, Pakistan and the Kashmir Dispute*, Asian Studies Institute & Centre for Strategic Studies Victoria University of Wellington ISSN: 11745991 and ISBN: 0475110552.

<sup>11</sup> General Khalid Mahmood Arif (Retired) said it in his address to the Army Officers in Kharian Cantonment in November 1992.

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<sup>12</sup> Harinder Baweja, *Kashmir Losing Control* (Delhi) India Today May 31, 1993.

<sup>1319</sup> Schofield Victoria, *Kashmir in the Crossfire* (London: IB Tauris & Co Ltd, 1996), p.259.

<sup>1420</sup> *World and Kashmir – 1994 A report prepared and issued by Kashmir Institute of International Relations.*

<sup>15</sup> *Kashmir : Wages of Manipulation* India Today, August 31, 1991.

<sup>16</sup> *Ibid.*

<sup>17</sup> Seema Kazi, *Between Democracy and Nation: Gender and Militarisation in Kashmir*, Oxford University Press, New York; 2009, p. xvii.

<sup>18</sup> *Mass Graves in Kashmir, A Gift of Indian Democracy*, By Dr. Angana Chatterji, published in SOS Kashmir on May 2, 2011. Can be accessed through: <https://soskashmir.wordpress.com/tag/baramulla-and-kupwara-district>.

<sup>19</sup> *Amensty International, A Lawless Law: Detentions under Jammu and Kashmir Public Safety Act, Amensty International-2011*, Peter Benenson House, London-UK. Can be accessed at: [https://docs.google.com/viewer?a=v&q=cache:W7uAlBdksWcJ:www.amnesty.org/en/library/asset/ASA20/001/2011/en/cee7e82a-f6a1-4410-acfc-769d794991b1/asa200012011en.pdf+The+cases+studied+by+us+indicate+th+at+the+authorities+in+J%26K+have+used+the+PSA+to+create+a+parallel+or+informal+criminal+justice+system%E2%80%9494+bypassing+the+regular+criminal+justice+system+to+secure+the+long-term+detention+without+trial+of+individuals+depriving+them+of+human+rights+protection+otherwise+applicable+in+Indian+law.%E2%80%9D&hl=en&pid=bl&srcid=ADGEEsgh-7qV5awX7Eas0pGsTsRsN3JSmYHykSgLu2vU08nmaeVbRsSby643oFyHTpK-IRn-uKlj6g1fceGLgA-Y2IKQPZK9TePE-hmR2\\_BNm0QkaZBJMsmYncjrRvAx7i2enF2rlMk&sig=AHIEtbTfQsqQ\\_eVRqLqCtnSqvzUop-YoxQ](https://docs.google.com/viewer?a=v&q=cache:W7uAlBdksWcJ:www.amnesty.org/en/library/asset/ASA20/001/2011/en/cee7e82a-f6a1-4410-acfc-769d794991b1/asa200012011en.pdf+The+cases+studied+by+us+indicate+th+at+the+authorities+in+J%26K+have+used+the+PSA+to+create+a+parallel+or+informal+criminal+justice+system%E2%80%9494+bypassing+the+regular+criminal+justice+system+to+secure+the+long-term+detention+without+trial+of+individuals+depriving+them+of+human+rights+protection+otherwise+applicable+in+Indian+law.%E2%80%9D&hl=en&pid=bl&srcid=ADGEEsgh-7qV5awX7Eas0pGsTsRsN3JSmYHykSgLu2vU08nmaeVbRsSby643oFyHTpK-IRn-uKlj6g1fceGLgA-Y2IKQPZK9TePE-hmR2_BNm0QkaZBJMsmYncjrRvAx7i2enF2rlMk&sig=AHIEtbTfQsqQ_eVRqLqCtnSqvzUop-YoxQ)

<sup>20</sup> US Department of State, *2010 Human Rights Reports: India Bureau of Democracy, Human Rights, and Labor 2010, Country Reports on Human Rights Practices Report April 8, 2010*. Accessed on September 20 2012 at: <http://www.state.gov/j/drl/rls/hrrpt/2010/sca/154480htm>.

<sup>21</sup> *Indian State Forces Commit Human Rights Abuses in IHK: US*, Daily Times, April 9, 2011.

<sup>22</sup> *The Post*, July 23, 2008.

<sup>23</sup>*The Universal Declaration of Human rights, Accessed on September 20, 2012 at; <http://www.un.org/en/documents/udhr/index.shtml>.*

<sup>24</sup>*Ibid.*

<sup>25</sup>*Charter of the United Nations, Chapter 1, Purposes and Principles. Accessed on September 20, 2012 at; <http://www.un.org/en/documents/charter/chapter1.shtml>.*

<sup>26</sup>*Aijaz Hussain, India Security Forces kill 13 Kashmiri protesters, USA Today, August 8, 2008. [http://www.usatoday.com/news/world/2008-08-12-2325975530\\_x.htm](http://www.usatoday.com/news/world/2008-08-12-2325975530_x.htm)*

<sup>27</sup>*Tim Gopsill, Heaven on Fire”: A Report of the British Parliamentary Group, Reproduced in the daily Nation (Lahore) November 20, 1992.*

<sup>28</sup>*Tim Gopsill, Heaven on Fire”: A Report of the British Parliamentary Group, Reproduced in the daily Nation (Lahore) November 20, 1992.*

<sup>29</sup>*Amensty International.*

<http://www.amnesty.org/en/library/asset/ASA20/001/1995/en/c600c4bd-eb6b-11dd-b8d6-03683db9c805/asa200011995en.html>.

<sup>30</sup>*Baker W. William, Kashmir Happy Valley, Valley of Death (Las Vegas: Defenders Publications INC, 1994), pp.38-45.*

<sup>31</sup>*Rafi Hassan Noorul Syed (Retd) IFS and Karir Pak Kabeer Abdul (Retd) IFS, Kashmir Bleeds ed. (New Delhi : The Human Rights Commission Srinagar, 1990), pp.22-24.*

<sup>32</sup>*Committee for Initiative on Kashmir, Kashmir Imprisoned : A Report by Kashmir Human Rights Forum (New Delhi : Suhasini Mulay for Committee for Initiative on Kashmir, 1990), pp.4-7.*

<sup>33</sup>*Ibid.*

<sup>34</sup>*Institute of Kashmir Studies Srinagar, Kashmir: The Wailing Vale (New Delhi: Institute of Kashmir Studies Srinagar, 1995), pp.5-10.*

<sup>35</sup>*Mahesh, Omar wants talks on AFSPA removal speeded up, Deccan Journal, January 28, 2012.*

<sup>36</sup>*Institute of Kashmir Studies Srinagar, Heaven on Fire: A Report on Human Rights Violations Committed by the Indian Forces in 1995 (New Delhi: Institute of Kashmir Studies, 1995), p.3.*

<sup>37</sup>*Institute of Kashmir Studies Srinagar, Catch and Kill: a Pattern of Genocide in Kashmir Vol-II (Delhi: IKS Publishers and Distributors for Institute of Kashmir Studies, Srinagar, 1997), pp.8-10.*

<sup>38</sup>*Institute of Kashmir Studies Srinagar, Catch and Kill: a Pattern of Genocide in Kashmir Vol-II (Delhi : IKS Publishers and Distributors for Institute of Kashmir Studies, Srinagar, 1997), pp.8-10.*

<sup>39</sup>*Institute of Kashmir Studies Srinagar, Catch and Kill: a Pattern of Genocide in Kashmir Vol-II (Delhi : IKS Publishers and Distributors for Institute of Kashmir Studies, Srinagar, 1997), pp.8-10.*

<sup>40</sup>*Ibid.*

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<sup>41</sup> *India Dishonours Kashmir – A Report prepared by International Human Rights Organization (Erstwhile PHRO), Ludhiana, 1992.*

<sup>42</sup> Puri Balraj, *Kashmir Towards Insurgency (New Delhi : Orient Longman, 1993), pp.21-27.*

<sup>43</sup> Ahmed Rashid, *Alive and Well In Pakistan; A Human Journey in a Dangerous Time, Vision, a division of Satin Publications Ltd; 2004.*

<sup>44</sup> *Rape in Kashmir: A Crime of War, Asia Watch and Physician for Human Rights Report, 1993.*

<sup>45</sup> *Rights group finds mass graves in IHK, by Peter Gill, December 1, 2009, can be accessed at <http://www.allvoices.com/contributed-news/4727668-rights-group-finds-mass-graves-in-ihk>*

<sup>46</sup> *Ibid.*

<sup>47</sup> *Rights group finds mass graves in IHK, Daily Times, December 2, 2009. Can be accessed at;*

*[http://www.dailytimes.com.pk/default.asp?page=2009%5C12%5C02%5Cstory\\_2-12-2009\\_pg7\\_12](http://www.dailytimes.com.pk/default.asp?page=2009%5C12%5C02%5Cstory_2-12-2009_pg7_12)*

<sup>48</sup> *EU parliament to discuss unmarked graves in IHK, Daily Dawn, July 12, 2008.*

<sup>49</sup> *Howard B. Schaffer, The Limits of Influence: America's Role in Kashmir, Penguin Viking, New Delhi; 2009. P. 155.*

<sup>50</sup> *James Kirkup and Christopher Hope, David Cameron: Britain Caused Many of the World's Problems, The Telegraph, April 5, 2011.*

<sup>51</sup> *India wary of Obama's South Asia focus, Daily Times, February 2, 2009.*

<sup>52</sup> *US, UN must pressure India for ending "genocide" of Kashmiris - Pakistan article. (Conference notes), BBC Monitoring International Reports, August 09, 2010 | Copyright -Text of article by Dr Raja Muhammad Khan headlined "An Issue of International Concern" published by Pakistan Observer website on 9 August, 2010.*

<sup>53</sup> *Mr. Ejaz Sabir, Attorney at Law, Attendees in DC Call For Resolution of Jammu and Kashmir Issues, News Blaze Conference July 30, 2010.*

<sup>54</sup> *Shamshad Ahmad, the Nuclear Subcontinent: Bringing Stability to South Asia, Foreign Affairs, July/August 1999.*



## Tourism and Resolution of Kashmir Dispute

Muhammad Waqas Idrees and Mehwish Durani\*

### ABSTRACT

The study attempts to analyze the potential and present state of tourism across the LoC, with an aspiration that it may be of some help to identify if tourism has a role to play in the conflict and socio-economic development of Kashmiri polity on both sides and to assess the role of bio-diversity across the LoC as a 'Common Good'. The study has deliberated on different dimensions of tourism and ecological sustainability along the LoC, with a view to investigating the implications of India-Pak relations on tourism in Kashmir. The study argues that tourism and ecological concerns can prove to be vital instruments for peace, but a lot depends on the dynamics of the conflict. The narrative of LoC tourism and peace-building in India-Pakistan relations at an ecological common good of bio-diversity is expected to face very little resistance, as it envisages the promotion of ecology/bio-diversity as common good and prospects of development of tourism for economic well-being of the people as well as conflict transformation. The concept of 'Green and Skilful Kashmir', given by the former Prime Minister of AJK, Sardar Atiq Ahmed Khan, needs to be harnessed and promoted in both parts of Kashmir.<sup>1</sup>

The study suggests various models that can be analyzed as 'Tinkering' or a point of initiation between two warring states, towards a global '**Ecological and Peace Tourism Park**' instead of the inhuman LoC to promote the global public goods like bio-diversity and conflict free tourism, for and to the advantage of us all. However, tourism can work only as a complementary instrument for

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<sup>1</sup> 'Green and Skilful Kashmir' forms the part of the Manifesto of All Jammu & Kashmir Muslim Conference, the former ruling party of AJK, headed by Sardar Atiq Ahmed Khan.

resolving the intractable disputes like Kashmir. The primary instruments have to have moral, legal and humanitarian imperatives, for which the people of Kashmir occupy the central position.

## Introduction

Tourism is one of the world's fastest growing economic sectors, emerging over the past decades, as a key instrument for global integration, economic growth and development. In the inter-connected and inter-dependent world of today, it has become more significant than ever for the public and private sectors to work together. Public-private dialogue and partnerships are the essentials of a conducive environment for tourism; one that allows it to grow sustainably, contributing to global economic and social bettering.<sup>2</sup>

The valley of Kashmir is one of the most beautiful places on the map of the world, though the world map reflects it as a remote and landlocked state, segregated by the Himalayan Mountains, high above the plains. Over twenty passes provide entry points, making the valley both a juncture and a place of refuge. An unmatched text about the history of Kashmir is *Rajatarangini*,<sup>3</sup> written in the 12<sup>th</sup> century by a poet named Kalhana. It unveils how the valley had formed part of a great empire at times in one strand and how it comprised a kingdom at the other. At all times, the polity in Kashmir has retained a strong attachment to Kashmiriyat i.e. cultural identity- which encompasses the wider accommodation of various ethno-religious view points. The Kashmiri language is also distinct from Hindi or Urdu spoken by the inhabitants of the plain lands.<sup>4</sup>

Kashmir has always been a popular tourist destination, due to its climate and natural beauty. It is in the north-western region of the Indian subcontinent. Formerly the state of Kashmir used to be an area between the Himalayas and the Pir Panjal mountains, but currently it comprises the Indian held Jammu, Kashmir and Ladakh, Azad Kashmir and Gilgit-Baltistan under Pakistan's control and the Aksai Chin and Karakoram administered by China. Agriculture is the main income generation source in Kashmir. The state is well known

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<sup>2</sup> UNWTO Report 2011.

<sup>3</sup> M. A. Stein (1989), 'Preface to Kalhana, *Rajatarangini* (Chronicle of Kings)', 1900, published by Motilal and Banarasidass Publishers, Dehli.

<sup>4</sup> Kashmiri is a member of the Dardic or north-western group of Indo-Aryan languages and it is the only language in the group, having script and literary tradition.

for a variety of fruits and the good quality apples, pears, plums, peaches, nuts and cherry and other sources of income include livestock, poultry, handicrafts, horticulture, wood carving and dry fruits.

The state of Jammu & Kashmir is a region of widely varying people and geography. In the south, Jammu is a transition zone from the Indian plains to the Himalayas. Nature has rewarded Kashmir with certain distinctive characteristics that are unmatched in the world. It is the land of snowy mountains that shares its boundaries with India, Afghanistan, China and Pakistan. It used to serve as a major caravan route in olden times.

Kashmir is blessed with a delicate natural beauty and has great potential for tourism. The striking beauty of its valleys, forests, snaking rivers, tumultuous foaming streams, majestic mountains, revitalizing climate, historical and cultural heritage, holy shrines, festivities and diversity of flora and fauna all combine together to make it an excellent tourist attraction. Landscapes, hiking, tracking, fishing in the frozen waters, lakes and the remains of the Buddhist and Hindu civilizations are only some examples to quote. The beautiful wood work, Kashmiri handicrafts, customary Kashmiri foods and above all a pure environment present other areas of delight for the tourists on this 'Heaven on Earth'. The people from different parts of the world visit Kashmir in a huge number every year for its magical charm and scenic beauty. People from Pakistan and India visit only the areas in Kashmir in their respective side, along the LoC, which is haunted by an ever inflamed Kashmir conflict.<sup>5</sup> There is a dire need to use the state's natural beauty and historical heritage to foster the development of tourism as a viable sector of the economy in a manner:

- that complements the scale, quality and unique features of the community and bio-diversity;
- that balances the interests of tourism with the interests of other industries, conflict transformation and:

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<sup>5</sup> Focus group discussion with old Kashmiris at Muzaffarabad, Nov 2013.



- that encourages and facilitates the public-private partnerships and engagements.

Unfortunately, Kashmir conflict ever since 1947 remains a struggle for land and rights of the people to decide their future and fate. No consensus has been reached between India and Pakistan, or with the people, on the prospect of the state, but simply an unacknowledged status quo, to which there seems to be a snooping attachment. Moreover, there is still no noticeable 'collective' will amongst the inhabitants of the whole state of Jammu and Kashmir, whose state has now been a question mark, to join hands and work for; first, the preservation of whatever is left in the natural resources, two; for the emancipation of their motherland. They are caught up in a deadly war of words and weapons. In the centre of this war of wits and weapons, with multiple objectives, remain the lives and violent deaths that have been the order of the day, rather that exception, spreading along the LoC, starting in the Jammu region and meandering through Rajouri, Poonch, Baramulla, Kargil, and Turtuk, ultimately reaching NJ- 9842, the end point near the mouth of the Siachen Glacier.

The present study attempts to analyze the potential and present state of tourism across LoC, with an aspiration that it may be of some help to identity, if tourism has a role to play in the conflict and socio-economic development of Kashmir polity on both sides of the LoC and to assess the role of bio-diversity across the LoC as a 'Common Good'. The study would look at the different dimensions of tourism and ecological sustainability along the LoC and try to investigate the implications of India-Pakistan relations on tourism in Kashmir. However, such interventions are not any surrogate for political decision-making or for the lengthy and complex process of changing political behavior. The study in hand also attempts to draw the attention of policy-makers, if they could find in it, towards the tools that can facilitate the political transformation that people in the region so desperately need.

## 2. Conceptualizing Tourism: As an Instrument of Conflict Resolution

### 2.1. Theory of Contact

To advocate the tourism narrative for development, peace and conflict transformation, the present study rests on 'Contact Theory', also referred to as 'contact hypothesis'.<sup>6</sup> Contact theory emanates from the field of social psychology and it argues that contact between people will lead to a change in inter-cultural attitudes towards the other ethnic group.<sup>7</sup> Contact theory can be referred to as the 'science' behind attitudinal change, and if it is assumed that positive attitude change is a fore-runner to peace,<sup>8</sup> its importance becomes substantially significant. Allport, in his book, 'The Nature of Prejudice' (1954),<sup>9</sup> propounded the situational conditions, whereby, inter-group contact leads to reduction in prejudice. He made the assumption that:

*"Prejudice (unless deeply rooted in the character structure of the individual) may be reduced by equal status contact between majority and minority groups in the pursuit of common goals. The effect is greatly enhanced, if this contact is sanctioned by institutional supports (i.e., by law, custom or local atmosphere), and provided it is of a sort that leads to the perception of common interests and common humanity between members of the two group."*

These assumptions have been upheld by several authors in the field.<sup>10</sup> The study is of special value because of its detailed analysis of empirical research studies to validate his assumptions for the

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<sup>6</sup> Amir, Y. (1969). Contact hypothesis in ethnic relations. *Psychological Bulletin*, 71(5). pp. 319-341.

<sup>7</sup> See Allport, 1954; Amir, 1969; and Tropp, 2005.

<sup>8</sup> Tomljenovic, R. and Faulkner, B. (2000). *Tourism and World Peace: A Conundrum for the Twenty-first Century*, in B. Faulkner; G.Moscardo; E.Laws (Eds.) *Tourism in the Twenty-first Century*, London: Continuum.

<sup>9</sup> Allport, G. W. (1954). *The nature of prejudice*. Reading, Massachusetts: Addison-Wesley.

<sup>10</sup> Amir, Y. (1969). Contact hypothesis in ethnic relations. *Psychological Bulletin*, 71(5), pp. 319-341.

contact hypothesis. Amir's assumptions are distinctive in the sense that he outlines six favorable conditions that may curtail prejudice and six unfavorable situations that may lead to an increase in prejudice. In short, the six conditions are: equal treatment of parties; contact between majority group and minority elite; social climate should be in favor of contact; contact should be of an intimate nature; contact is pleasant or rewarding; and both parties share common or super ordinate goals. The unfavorable conditions are: when contact involves competition; unpleasant contact; when contact causes lowering of prestige; when members of group are in a state of frustration; when groups in contact have opposing moral or ethical standards; and contact is between majority group member and minority group member of a lower status. In the context of Kashmir, the change in attitudes of policy-makers, intelligentsia, media and general public in both India and Pakistan is of paramount importance.

## **2.2. Peace through Tourism**

The debate on peace through tourism has gained substantial significance, nourishing from the first international conference on peace through tourism in 1988. The question of how peace through tourism would be possible requisitely requires research into how positive attitudes are created. Those advocating tourism as a force for peace have propounded that tourism has the potential to mitigate cultural differences, to protect the environment, preserve cultural and historical heritage and curtail poverty through economic development.<sup>11</sup> The 1973 Conference on Security and Cooperation in Europe (CSCE) in Helsinki was one of the foremost illustrations of a formal approach towards peace through the use of tourism. The Conference envisaged promotion of tourism as a very important strategy, oriented towards nourishing positive relations between Eastern and Western Europe. CSCEs in Geneva (1975) and Vienna (1986) subsequently reaffirmed this position.<sup>12</sup> 'World tourism can

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<sup>11</sup> See D'Amore (1988) and Askjellerud (2003, 2006).

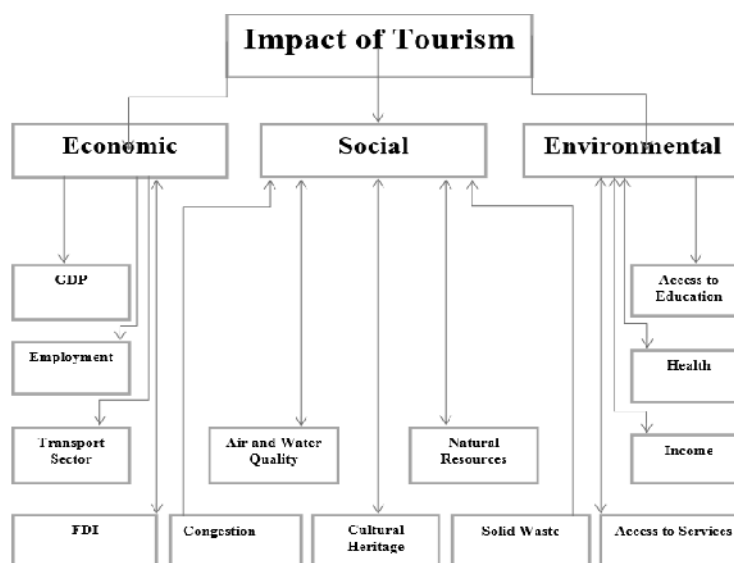
<sup>12</sup> Bloed, A. (Ed.). (1990). *From Helsinki to Vienna: Basic documents of the Helsinki process*. Dordrecht, Netherlands: Martinoff Nijhoff Publishers.

be a vital force for world peace' was the culminating point of the 1980 World Tourism Conference in Manila.<sup>13</sup>

### 2.3. Impact of Tourism

The impact of tourism can be explained under three main heads viz; Economic Impact, Social Impact and Environmental Impact. **Figure-1** presents a gist of the impacts of tourism with the help of downward, upward and both downward-upward direction of arrows. The downward direction of an arrow shows the positive impact of tourism, the upward direction of an arrow shows the negative impact of tourism and the both downward-upward direction of arrows shows both impacts simultaneously.

**Figure: 1**



<sup>13</sup> UNWTO Report 1980.

### **3. Promotion of Tourism in Kashmir and Protection of Natural Environment**

United Nations World Tourism Organization (UNWTO) has ingrained the principles of tourism for peace in the introduction of the importance of tourism: "Tourism is a powerful force for improving international understanding and contributing to peace among all the nations of the world."<sup>14</sup> A review of the literature concerning the scope of present study reveals optimism, hope and great potential for tourism, not only as an instrument of social and economic development of the target area, but also as a driver of attitudinal change and peace building. In a historical speech at a ceremony in March 2006, Manmohan Singh declared that "borders cannot be re-drawn but we can work towards making them irrelevant. People on both sides of the LoC should be able to freely travel and trade with one another."<sup>15</sup>

According to USIP Report,<sup>16</sup> India and Pakistan have initiated a number of confidence-building measures regarding Kashmir and it has become imperative for India and Pakistan to expand the initiated confidence-building measures to address the imbalances in the existing situation. The report has advocated the need and significance of Cross-LoC tourism for a broader understanding and inclusiveness in Kashmiri civil society on both sides. The report forecasts that Cross-LoC tourism would create constituencies of peace beyond the select group of families and business communities, who are already benefitting from cross-LoC services and traffic. The report suggests that India and Pakistan should develop "package tourism", aimed at peace-building and promoting ecology.

Poor production of agricultural crops, un-employment, especially non-government employment and poor investment climate are some serious problems that are shared across the LoC.

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<sup>14</sup> Section 2 of UNWTO report 2006.

<sup>15</sup> Manmohan Singh, "PM's speech on launch of Amritsar-Nankana Sahib Bus Service" (speech, Amritsar, March 24, 2006), <http://pmindia.nic.in/speech/content.asp?id=302>.

<sup>16</sup> Special report no. 281, commissioned by the United States Institute of Peace 2011

Teresita Schaffer (2005) argues that environmental degradation and water pollution have increased alarmingly, which have not only extreme health effects, but would also weaken both agriculture and tourism.<sup>17</sup> Kashmir's forests are being depleted by illegal logging on both sides. She notably recommends integrating disaster management activities across the LoC and developing integrated plans for future disaster management between the two sides of Kashmir and stresses the need for joint initiatives on water management and the environment, for example exchange data on water quality and water flows, and to consult each other on environmental problems that they share, noting that all AJK's rivers flow through J&K first. She further recommends a 'Joint Kashmir Tourism Development Board', comprising representatives of the tourist-related industries in AJK, the Northern Areas, and J&K, and also including representatives of the AJK and J&K governments and experts/observers from Islamabad and New Delhi for facilitating the development on both sides of Kashmir. Development of an ecological science park near the Siachen and Baltoro Glaciers, the scientific value of which has been affirmed by many studies, is also of great significance. The study of the inner Himalyan area in AJK suggests that population of wildlife in the areas near the LoC has become very low. Musk Deer, Snow Leopard, Brown Bear, Leopard Cat, Wolf, Snow Partridge, Chukar, Himalyan Monalare to name some. The authors argue that the wildlife population is low with respect to the potential habitat available and among the most serious reasons for reduction in wild life is the military activity on both side of LOC.<sup>18</sup>

### 3.1. Prospects of Adventure Tourism

Tourism plays a key role in development of Jammu, Kashmir and Ladakh. The report propounds that the state of Jammu and Kashmir attracts thousands of religious visitors and offers many winter sports activities in winter season. Tourism sector in the state has a contribution of nearly 44.2 per cent to the state's GSDP (2007-

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<sup>17</sup> Schaffer, Teresita C.(2005), 'Kashmir: The Economics of Peace-building', Centre for Strategic and International Studies, Washington

<sup>18</sup> Qamar, Qamar uz Zaman et al (2005), 'Status of Wildlife Species and their Management in Ghomat Area Reserve Muzaffarabad', Journal of Natural Sciences, Vol.3-4, GC University Faisalabad.pp.100-108.

08), making tourism a key contributor to the sector's growth of 8.7 per cent for the state of Jammu & Kashmir. According to the official website of Department of Tourism, Jammu and Kashmir, following are the list of major tourist destinations:-

- Jammu Region: Jammu, Akhnoor, Jhajjar Kotli, Aghar Jitto, Patnitop, Sanasar, Bhaderwah, Kishtwar, Baba-Dhansar, Reasi, Sihard Baba, Udhampur, Kud.
- Kashmir Region: Srinagar, Gulmarg, Pahalgam, Sonamarg, Daksum, Kokernag, Yusmarg, Aharbal, Watlab, Verinag, Lolab Valley.
- Ladakh Region: Kargil, Zanaskar, Leh, Nubra, Lamayuru, Spituk.

The part of Kashmir under Pakistan's control, known as Azad Jammu & Kashmir, is a land of dense alpine forests, diverse fauna and flora, bracing climate, glacial lakes, snaking rivers and silvery streams, making it an excellent tourist destination. AJK is also rich in archaeological heritage, having quite a number of archaeological sites and other monuments, which have been withstanding the ravages of time.

Azad Jammu & Kashmir is blessed with varied mountainous landscape, ranging from low hills to high mountains (2000 to 6000 m): 'Sarawali Peak' of Nanga Parbat Complex, rising at 6326 M (20,750 feet), being the highest in the territory. Peaks parallel to the Kaghan Valley in the Northern sector: Jagran Valley, Ratti Gali Pass, west of Dawarian, Noori Nar Gali, west of Sharda, also promise the potential of adventure tourism.

The peaks of ridges, descending from Nanga Parbat massif ranging from 4500 to 6000m and 6324m high, 'Sarawali Peaks' are most suitable for technical climbing. The high hills of Kafir-Khan (3000-3508m), in Muzaffarabad and Ganga Choti (3045m) and Pirkanthi (3645m) in Bagh in the Southern sector can also be considered for exploiting the trekking, mountaineering and adventure tourism potential. The people of Muzaffarabad witnessed the first ever event of Para-gliding on 24<sup>th</sup> September, 2005, when 12 adventure lovers with their gliders took off from Lohar Gali, and

after demonstration of about 45 minutes in air, landed on the ground near Thori Park. This adventurous event, since then, due to its potential became popular and is regularly organized and participated at local level in Muzaffarabad and Rawalakot.

Tourism has great potential to become the foundation of Kashmir's economy, however, the effort required in this context has been lacking. Ashraf argues that, at present, tourism does not constitute even ten per cent of the state's GDP, but if peace returns to state and the tourism exploited to the fullest, the entire economy of the state can be managed by it.<sup>19</sup> Tourism can be the biggest export industry, through which a country can earn foreign exchange without physically exporting anything, other than goodwill. Freedom to travel would be an important step towards decreasing tensions in the area and it will also give an insight into understanding cross-cultural behavior and intra-state relationship and, in the long run, once the citizens on both sides are free to travel from one side of Kashmir to the other, this can be pondered upon as a measure, which holds tremendous potential for tourism development.

The heights of AJK, especially the Neelum Valley, have great potential for tourism, but have remained inaccessible in the past and the valley still has very limited communication linkage with the Gilgit-Baltistan region. There has little been done for the development of road links between these two regions in Pakistan in the post-1947 period. Recently, a new road connecting Rattigali in Neelum Valley with Naran, a tourist attraction in Khyber Pakhtunkhwa has been initiated and is well underway.<sup>20</sup>

The tourism approach on both sides of the LoC is distinct. On the Indian part, state of J&K comprises 22 districts, among which Srinagar is the largest city.<sup>21</sup> Census of India 2011 reveals that the state hosts a population of 12.5 billion, registering a population density of 124 persons per sq.km and sex ratio of 883 in the context

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<sup>19</sup> Ashraf, Mohd.(2010), "Tourism as a CBM in J&K", Policy Issue Brief, Institute of Peace and Conflict Studies No.147,Dehli

<sup>20</sup> Ibid.

<sup>21</sup> Official website of Planning and Development Department, Jammu and Kashmir



of tourism. On the side of Azad Kashmir, tourism is under developed, as compared to even Pakistan's overall tourism activity, but in the recent years, the situation has improved and Governments have increased tourism development budget to 200 million in 2010-11<sup>22</sup> and the major chunk is allocated for developing infrastructure, such as tourist rest houses, lodges, motels, and other tourist facilities. Tourism industry on both sides has a very promising place, upon which, bio-diversity of Kashmir is, indeed, an added attraction. The dream of seeing Kashmir as an 'Ecological Peace Park' may come someday true, in the face of global climate change and a much feared nuclear war over the longstanding conflict.

### **3.2. Bio-diversity: A Magnetic Pull for Tourists**

Throughout the history of mankind, there has been a strong bond between religion, language, knowledge diversity and bio-diversity. Globalization of present era and diminishing of bio-diversity has led to the need and exploration of human relationship with environment.<sup>23</sup> Bio-diversity denotes the total number of germs and living organisms' existent on earth i.e. presence of all sort of life on the face of earth and presence of indigenous cultures in any area is paramount for sustainable flourishing of bio-diversity and it is called cultural diversity. More than 1.75 million species of plants, bacteria, animals and other micro life have been reported till date. Bio-diversity is an essential part of human existence.<sup>24</sup>

The 'Paradise Kashmir' is home to a very rich flora and fauna, from mountains to waters and from wood trees to medical and herbal plants and flowers sheltering the precious wild-life of so many kinds. To gauge the potential of this rich bio-diverse area, it would be significant to indicate the importance of bio-diversity in supporting several industries e.g. pulp, paper, pharmaceutical,

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<sup>22</sup> Ibid.

<sup>23</sup> Harmon, D. and J. Loh. 2002. Draft Framework for an index of Biocultural Diversity. Washington, D.C. Terralingua.

<sup>24</sup> Muhammad Ishtiaq, Abdul Samad Mumtaz, Tanveer Hussain and Abdul Ghani. 2012. Medicinal plant diversity in the flora of leepa valley, Muzaffarabad (AJK), Pakistan. African Journal Biotechnology, 11(13): 3087-3098.

agricultural, as well as construction and waste treatment arrangements under the subject of ethno-botany.<sup>25</sup> Various species of wild life e.g. animals, birds and others add value to vibrancy of the beautiful eco-system of Kashmir, but not to forget that soldiers on both sides of LoC are warming the cold zones with kerosene and hunting the flora, driven by their security concerns and conflict, spread over the heavenly valley and sky high peaks for decades.

The tourism potential of the region, which contains tremendous richness in bio-diversity - a global public good, can serve as an integral part of social and economic development, conflict transformation and a feeling of oneness with common good across LoC.

### **3.3. Cultural and Religious Heritage**

Jammu and Kashmir has the potential to attract tourists by religious interests, leisure, or adventure, while on the Pakistani side, AJK is violence free and politically peaceful state, which makes it an attraction for lifting of tourism. The region is bestowed with great scenic beauty, archaeological heritage, religious sites, and hilly terrain, making it attractive for all kinds of tourism. The region's potential for tourism across the LOC has remained unexplored, rather ignored due to official apathy.<sup>26</sup> However, in the recent years, particularly after the horrific earthquake of 2005, efforts have been made to develop the tourism industry in AJK. The infrastructure for initiating cross-LoC tourism is yet to be properly developed.

After 1947, Kashmir valley has been host to flocks and flocks of national and international tourists. Places like Dal Lake, Nishat Bagh etc have been the primary tourist destinations in the post 1947 era. However, the violent wave of militancy in 1989 adversely affected the tourism in Kashmir valley, but still areas like Gulmerg continue

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<sup>25</sup> Mafi, L., 2001. Introduction: On the interdependence of biological and cultural diversity. In: *On Biocultural Diversity: Linking Language, Knowledge, and the Environment*. (Ed.): L. Maffi. Washington, D.C. Smithsonian Institution Press, 1-50.

<sup>26</sup> Focus group discussion with teachers and students at the department of Kashmir studies, AJK university Muzaffarabad, Nov 2013.

to attract national and international tourists, because of their irresistible captivity and elegance. Religious tourism has substantially decreased from the Pakistani side of Kashmir to places like Hazratbal and Charar Shareef in J&K. Jammu, except the Amarnath Yatra attraction, has not much to offer for tourism and the trends also indicate that Jammu region has never been an attraction in specific. An interesting observation is that the religious shrines like Sai Meeran, Nangaali Saab, Shahdara and Amarnath etc, which are adjacent to Poonch (Azad Kashmir), are not only respected and visited by Muslims but also Hindus and other communities, reflecting inter-faith harmony in its essence.<sup>27</sup>

The archaeological and historical heritage is spread all over the territory of AJK. Red Fort, Muzaffarabad, Black Fort, Muzaffarabad, Sharda Fort & Buddhist place of learning, Bagh Fort, Baral Fort & Rani Bowli in Sudhanoti, Mangla Fort, Ramkot Fort, Baghsar Fort, Throchi & Bhrund Forts (Kotli), Mughal Mosque (Bhimber), Sarae Saadabad (Samahni), Burjun Fort, Mirpur, are some to mention across AJK. Azad Jammu and Kashmir is also known for its strong cultural and artistic base i.e. for folk festivals, folk dances, horse and cattle shows, tent pegging etc. Moreover, traditional Kashmiri art and craft e.g. Papier Machie, Namda and Gubba, Shawls, special dresses and jewelry are the pride of Kashmiri art and culture.

Religious tourism is an important segment of tourism potential of AJK. There are a good number of shrines (Mazarat). Prominent among these are: Darbars of Sain Saheli Sarkar, Pir Alauddin Gilani Sahib, Pir Shah Inayat Sahib, Matha Baji (Leepa) and Pirchinassi in Muzaffarabad, Khari Sharif, Mirpur, Baba Shadi Shaheed, Samanhi, Bhimber, Mai Toti Sahiba, Poonch, Haji Sikander Shah Sahib, Pir Umar Gilani Shah Sahib Ghurhmunda and Hafiz Jamal Din Sahib in District Hattian, Sian Nawab Sahib and Sohawa Sharif in District Bagh and Kiyun Sharif in Athmuqam . A large number of pilgrims visit these shrines round the year.

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<sup>27</sup> Focus group discussion with teachers and students at the department of Kashmir studies, AJK university Muzaffarabad, Nov 2013

#### 4. The Way Forward

South Asia has some unmatched characteristics that are distinct from other regions. India and Pakistan share the disputed territory of the state of Jammu and Kashmir, over which three full scale wars and a limited war have been fought under the nuclear shadow and a history of mistrust and hatred describes their relationship. In the past, many results-less initiatives have been tried. In the recent development of engaging through confidence building measures, both India and Pakistan have used CBMs more as 'competition building measures than as confidence building measures'.<sup>28</sup> A lot more is needed, far more than the existing CBMs in Kashmir, which are directed at only select communities and select regions. Cross-LOC tourism can be a socio-political and an economic 'Add' on to the entire population of J&K, irrespective of community, sub-region and conflict.

Tourism and Ecological concerns can prove to be vital instruments for peace building, but a lot depends on the dynamics of the conflict. The narrative of Cross-LOC tourism and peace-building in India-Pakistan relations at an ecological common ground of bio-diversity, which has not been pondered upon for so long, is expected to face very little resistance. The difficulties of socio-economic life, which people in the region suffer from, are lapped in the enormous opportunities to promote ecology as common good and develop tourism for economic well-being and conflict transformation. Intra-state and inter-state friendly tourism development can play a considerable role in bringing Kashmiris together and has the potential to act as a moderator for peace between Pakistan and India.

The tourist carrying capacity<sup>29</sup> of different regions of Kashmir and the Chinese model of tourism in Tibet, which encourages group tours over individual tourist visits, the Japanese model or Cambodian or Irish models of conflict transformation can be

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<sup>28</sup> Krepon quoted in Rafi-uz-Zaman Khan, "Pakistan and India: Can NRRCs Help Strengthen Peace?"

<sup>29</sup> TCC is measured by indicators like; physical-ecological, socio-demographic, and political-economic.

analyzed as 'Tinkering' or a point of initiation and a global '**Ecological and Peace Tourism Park**', instead of the inhumane LoC, to be envisioned for promoting the global public goods like bio-diversity and conflict free tourism, for and to the advantage of us all. The policy communities, researchers and think tanks on both sides should put efforts in building peace constituencies, seeking authorization and removing operational capacity barriers. But, until this mutually destructive conflict, which has claimed lives of hundreds and thousands of sons and daughters of soil, is outmoded by an alternative perspective of peace in terms of the universal values of common responsibility, common good, humanity, justice and collective well-being, Kashmir will remain a global concern in the militarized nuclear Subcontinent. In addition, for the tourism industry to remain credible, it should be responsive to the environmental concerns. Hence, it needs to address the following issues:-

1. Take the measures for implementation of environmental management programmes particularly in many small and medium enterprises that form the backbone of the tourism industry, so that the effect of tourism on natural resources can be minimized.
2. Highlight the responsibility of tourism clients of the environment and check social implications of their holidays and report publicly on environmental performances and address the key issues of sitting and more Eco efficient design of tourism facilities.
3. Develop a better connection with the Local Communities of tourist destinations. Provide opportunities to the local stakeholders in tourism ventures and work with governments and other stakeholders to improve the overall environmental quality of destinations.
4. For sustainable tourism the involvement and commitment of all stakeholders are essential, so focus should be laid on the partnership of public, private and academic sector. Unfortunately the concept of partnership is still lacking and,

therefore, need to be encouraged.

5. The marketing strategies at tourist destinations are not in line with the principles of sustainable tourism. The need of an hour is the better involvement of tourism boards in sustainable tourism efforts so that the market sales and purchases can be checked and enhanced.
6. Capacity building programmes and institutions for local people of tourist destinations should be increased. Local people have important responsibilities regarding tourism development. To help them understand these responsibilities, develop integrated and participatory approaches and define and implement policies for sustainable tourism.
7. The frequency of tourist activities to different tourist destinations should be maintained according to the carrying capacity of the area.
8. Tourism industry must take into account the religious and cultural senilities of the people of Jammu & Kashmir state and must not sponsor programmes that may be taken by the natives as a sabotage of their values; otherwise, the whole idea of tourism may receive a backlash from the local people.
9. Promoting moral, legal and pluralistic political imperatives as primary policy instruments for evolving peace through tourism.

The discussion on the prospects of peace through tourism, today echoes in the global policy arena, louder than ever before, with an escalation in tensions and conflicts between major civilizations around the globe. Peace has become a luxury or a wish item on world population's shopping list, but on the optimistic side, the sustained growth in international tourist numbers glowingly indicates the opportunities to build 'Contact'. The challenge for policy-makers and opinion-makers is to make those contacts count through

deliberation and effective policy planning and analyses, with a conviction of making the green lands and mountains, free from Military boots, Guns, Violence and Bloodshed. The concept of 'Green and Skilful Kashmir', given by the former Prime Minister of AJK, Sardar Atiq Ahmed Khan, needs to be harnessed and promoted in both parts of Kashmir.<sup>30</sup>

Who has not heard of the Vale of Cashmere,  
With its roses the brightest that earth ever gave,  
Its temples and grottos, and fountains as clear  
As the love-lightened eyes that hang over the wave?<sup>31</sup>

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<sup>30</sup> 'Sardar Atiq Ahmed Khan, the former Prime Minister of AJK, has been vigorously pursuing two ideas: one, 'converting the 'Line of Control (LoC)' into the '**Line of Commerce (LoC)**', for the promotion of free trade in South Asia, two; the idea of '**Green and Skillful Kashmir**', which implies the promotion of eco-friendly environment and making the people of Kashmir skillful, by providing them sufficient technical skills.

<sup>31</sup> Thomas Moore. 1986. Lalla Rookh, London, p.256.





## **Kashmir Dispute: An Incremental Approach to Conflict Resolution**

Nazir Ahmed\*

### **Abstract**

**K**ashmir an intricate and complex issue remains unresolved by Pakistan and India even after 66 years of their independence. Their relations have been characterised by the mistrust, hostility, despondency and antagonism towards each other. Both countries adopted a rigid and hardened stance to maintain their respective claim over Kashmir; have fought three major wars and came closer to the brink of another conflict on innumerable occasions, with a potential to nuclear exchange, thereby, posing serious threat to regional security. While Pakistan and India continue to reiterate their old positions, the drastically altered global environment and changed ground realities dictate a more flexible and transformed approach. Despite numerous attempts, both the countries are unable to find a lasting solution. Post 9/11 environment and unfortunate incidents like Mumbai attack have grave consequences, impacting the ongoing peace process/ talks. Although peace talks have resumed since 2011, some people strongly believe that only a mediated peace process can successfully address the multiple factors that continue to impede the opportunity for attaining a long-term solution. However, there have been some positive developments and display of greater flexibility by Pakistan, which offered fresh options away from the stated positions. These initiatives, if pursued with open minded approach and sincerity of purpose, would lead to ultimately arriving at a mutually agreed solution of Kashmir. An attempt is being made to analyze these initiatives for future prospects for devising a framework for a long-term solution.

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## Prelude

Former US President, Mr. Bill Clinton, in May 1998, called Kashmir "the most dangerous place on earth." The Kashmir dispute, which was first brought to the United Nations in 1948, has proven to be one of the most intractable and perilous political disputes facing the international community. With a warlike history, religious rivalry and a general sense of antagonism towards each other, India and Pakistan have struggled over Kashmir since their independence in 1947.<sup>1</sup> The volatile nature of the conflict presents a greater problem to international peace and security than the unsubstantiated threat that Iraq posed in 2003 at the start of the Iraq War.<sup>2</sup>

India and Pakistan have fought three full scale wars since their independence on the State of Jammu and Kashmir that still remains a bone of conflict between the two nuclear arch rivals. Despite several resolutions of the United Nations' Security Council (UNSC) calling for a plebiscite to determine the wishes of the people of Kashmir and efforts of several mediators to suggest and broker a solution, Jammu and Kashmir remains unresolved for the last over six decades.

The nuclear tests by both India and Pakistan in May 1998 and India-Pakistan standoff in 2001-2002 have renewed concerns of the world community in unresolved Kashmir dispute.<sup>3</sup> Not only that Kashmiri people have sacrificed a lot due to the lingering dispute, but both India and Pakistan have also suffered politically, diplomatically and economically. Their huge defence spending for maintenance of troops and war fighting machines, which is continuously on the rise is at the cost of development in respective countries. Hence, the ultimate sufferings are transferred to the

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<sup>1</sup> Sulakshan Mohan, 'Kashmir: Is there a solution? (2000), 298.

<sup>2</sup> See Bob Drogin, Banned Weapons Remain Unseen Foe: Frustrations Grow as One False Lead After Another Sends Teams of U.S. and Allied Arms Hunters Across Iraq, L.A. TIMES, June 15, 2003, at A1, cited in Merck, supra note 196, at 183-84.

<sup>3</sup> Fahmida Ashraf, Jammu and Kashmir Dispute Islamabad Papers 2002 Published by DG on behalf of Institute of Strategic Studies Islamabad P.3

common people. It would be appropriate to assume that search for the solution of Kashmir dispute becomes imperative, if peace and prosperity have to be given a chance in the region. In view of the past experience, lest there be any confusion, it needs to be reiterated that war is no longer an option and it never was. Any pretensions of our military process melted away on the heights of Kargil.<sup>4</sup>

### **Historical Context of Kashmir Issue**

The genesis of Kashmir dispute has a linkage with the unjust partition of subcontinent in 1947,<sup>5</sup> when in complete disregard to the Indian Independence Act, Indian forces occupied almost 66% of the state. There existed neither constitutional nor any moral grounds for accession of the state to India in October 1947.<sup>6</sup> India forcefully annexed the states of Junagarh and Hyderabad on the plea that majority population of these two states was Hindus, while their Muslim rulers wanted to accede to Pakistan. On the contrary, Jammu and Kashmir with a clear Muslim majority were forced to accede to India against the wishes of the local populace, on the pretext of 'Instrument of Accession' signed by Maharaja Hari Singh in October 1947, whose creditability always remained questionable.<sup>7</sup> Even Maharaja Sir Hari Singh had no mandate for accession (if at all he did that) as the Treaty of Amritsar (Kashmir Sale Deed - 1846) lapsed on August 15, 1947, under the provision of Indian Independence Act passed by British Parliament in July 1947.<sup>8</sup> Furthermore neither the 'will of the Kashmiri people', nor the 'geographical contiguity of the state', the two fundamental principles of partition of the subcontinent, favoured the state's accession to India. Besides UN resolutions, then Indian Prime Minister, Mr. Jawaharlal Nehru made a firm promise to the people of Kashmir and the international

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<sup>4</sup> New initiative on Kashmir: Article by Tariq Fatemi - The News 23 December 2006

<sup>5</sup> Historical Section General Headquarter. (1990) The Kashmir Campaign 1947-48, (Rawalpindi: Army Education Press), p. XI.

<sup>6</sup> Lamb, Alastair, (1991), Kashmir-A Disputed Legacy 1846-1990, Heartfordshire: Roxford Books, pp. 150-152.

<sup>7</sup> Ibid, Wajahat Habibullah, My Kashmir Conflict and the Prospects of Enduring Peace, Vangaurd Books Pvt Ltd, Lahoe, 2009), pp6,20.

<sup>8</sup> Lamb, Alastair, (1991), Kashmir-A Disputed Legacy 1846-1990, Heartfordshire: Roxford Books, pp. 136-140.

community that Kashmiri would be free to decide their future through a free and fair plebiscite under United Nations. Unfortunately the United Nations could not implement its resolutions.<sup>9</sup>

The rise of secessionism in Kashmir is attributable to certain fundamental changes that took place in the state of Jammu and Kashmir in the 1980s.<sup>10</sup> However, in 1989, the level of freedom struggle intensified against the atrocities of Indian forces. Owing to continued support of Pakistan, the Organization of Islamic Countries (OIC) voted for sanctions against India for human rights violations in Kashmir in May 1993. Similarly, Labour Party in British Parliament and Clinton Administration in United States also criticised India for human rights violations leading to their strained relations with India. However, as the conflict lingered on and got delayed, Pakistani diplomatic initiatives could not persuade international community to pressurise India for holding plebiscite in Kashmir to honour the Kashmiris' right of self determination.<sup>11</sup> Instead India succeeded in tarnishing image of Pakistan for allegedly sponsoring cross-border terrorism. Since then, number of developments influenced Pakistan's diplomatic efforts to win international support for UN-sponsored plebiscite in spite of the international concerns about the plight of the Kashmiri people. However, in the aftermath of nuclear tests by both the countries, international community had shown a legitimate concern about Kashmir due to the fear of a possible nuclear exchange between India and Pakistan.

The indigenous uprising in Indian Held Kashmir (IHK) got a fillip in 1988 (and still continues at a limited scale), and it reiterated the dispute's centrality in Indo-Pakistan relations and a direct threat to the peace and security of the region.<sup>12</sup> In fact Indian state

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<sup>9</sup> Hussain, Ijaz, (2000) Kashmir Dispute – An International Law perspective, Islamabad: National Institute of Pakistan Studies, Quaide-I-Azam University. pp. 180-181.

<sup>10</sup> Rajat Ganguly , India Pakistan and the Kashmir Dispute, Asian Studies Institute & Centre for Strat Studies, ISSN 1174-5991,asi@vuw.ac.nz

<sup>11</sup> *ibid*

<sup>12</sup> Mir Shakil Ur Rehman, Elections in Held Kashmir, The News, Karachi 3 May, 1996.

terrorism in Occupied Kashmir after killing more than 100,000 Kashmiri through massive deployment of its 700,000 troops has become even more pronounced in the post 9/11 phase, once India used the global sentiment to paint the Kashmiri freedom struggle as terrorism and its own repression of that indigenous freedom struggle as a mean to fight against terrorism. In an attempt to malign Pakistan and the Kashmiri freedom movement, India has stepped up its propaganda of so-called cross-border terrorism.<sup>13</sup> The relations between the two nuclear countries have been marred by prevailing mistrust, fear and hostility. Kashmir being the major cause has contributed to a great extent in formulation of even their foreign policies that is based on mutual apprehensions and suspicions. Mindful of this danger, international community has repeatedly conveyed its concerns and desired improvement of relations between the two states. However, Indians taking refuge behind 'Bilateralism', a small point of the Simla Accord, largely unnoticed at that time, do not accept third party mediation or involvement of any international organization for settlement of the longstanding dispute, which is getting complicated with the passage of time due to eruption of new issues like Siachin, Sir Creek, Wullar Barrage, Baglihar Dam and Indian ostensible propaganda of 'Cross Border' or 'State sponsored terrorism', etc.

### **Efforts for the Resolution of Kashmir Dispute**

Since independence to date there have been continued efforts by Pakistan to resolve Kashmir issue. These efforts during the distinct periods were made in accordance with the prevailing situation at that time. Sequel to the forced occupation of J&K by Indian forces, once India referred the Kashmir dispute to UNSC in January 1948, Pakistan followed UN Resolution in pursuit.

During and after the era of President Ayub Khan, it was somewhat of a military approach. However, Pakistan supported the freedom struggle of Kashmir during the General Zia's regime and highlighted the human rights abuses committed by Indian military in

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<sup>13</sup> Wirising, G. Robert (2004) Kashmir in the Shadow of War-Regional Rivalries in a Nuclear Age, Gurgaon: Spring Books, p. 66.

Kashmir at international forums, asking for international mediation in the dispute and holding of UN-sponsored plebiscite to ascertain the wishes of Kashmiri people. This approach continued post Zia period, however, through a blatant violation of UNSC resolutions and commitments of its own leadership, India refused to hold plebiscite for an ultimate solution of the State as per the wishes of its subjects.<sup>14</sup> As a result, the world witnessed both the nuclear states pitched against each other during Kargil conflict in 1999.

While Pakistan has been continuously trying to look for settlement of the issue in line with UNSC Resolutions and as per the aspirations of Kashmiri people, who have made huge sacrifices for the right of their self determination, Indians have mostly been vacillating on one pretext or the other. A number of peace talks held over a period of time, due to external or internal pressures, or so called initiation of 'Confidence Building Measures' (CBMs), did not yield any tangible outcome so far. Hence, even after sixty six years, Kashmiris are denied their right and being oppressed by Indian security forces, while animosity and hatred prevail amongst large segments of society of both the countries. From a Pakistani perspective, there is no substantial improvement upon the fundamental cause of conflict.

Indians have been advocating for taking into account the ground realities i.e, accepting or converting existing Line of Control (LOC) as permanent border. In November 2004, Mr. Manmohan Singh also reiterated, "no redrawing of the international border and no redrawing of boundaries on the lines of religion." Such statements tend to defeat the optimism and hopes for settlement of the issue. Pakistan on the other hand, has always maintained its principled stance i.e, resolution of dispute in accordance with UNSC Resolutions (i.e, ascertaining the wishes of people of Jammu and Kashmir through UN supervised plebiscite). However, it could not be implemented even by the UN representatives (Military Observers) who continue pressing on both sides to reduce their military presence. During the Cold War era, a large number of resolutions demanding implementation of UN Resolutions were vetoed by the

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<sup>14</sup> Schofield, Victoria, *Kashmir in conflict-India, Pakistan and the unfinished war*, (London: I. B. tauris Publishers, 2000), pp. 49-62.

former USSR. The 1965, 1971 and 1999 wars rendered the conflict resolution even more intractable.

Incidents like suicide attack on Indian Parliament on 13 December, 2001 and Mumbai attack of 2008 complicated the attempts for any solution. Having overcome escalatory stage of the standoff of 2001-2002, the composite dialogue process between Pakistan and India was initiated in January 2002 by Prime Minister of India, Mr. Atal Bihari Vajpayee and General Pervez Musharraf (the then President of Pakistan). Eight areas for bilateral discussion were identified, including Peace and Security and Confidence Building Measures (CBMs), Jammu and Kashmir, Sir Creek, Siachin, Terrorism, Economic and Trade Cooperation, Water Security and Drug Trafficking.<sup>15</sup> The process of peace talks though started at slower pace but failed to address any of the issues. Following the terrorists attack on Hotel Taj Mahal in Mumbai on November 26, 2008, this peace process was once again stalled. Despite Pakistan's assurances for fullest cooperation to unearth the perpetrators, Mr. Parnab Mukherjee, the then Indian Foreign Minister, announced that the Composite Dialogue Process with Pakistan was to be put on hold until credible action was initiated against those responsible for the Mumbai Carnage.<sup>16</sup>

The plight of oppressed Kashmiri people of IHK has been voiced by Pakistan at all the forums like UNO, Non-Aligned Movement (NAM), OIC and Common Wealth etc. Despite Pakistan's efforts to resolve the issue, Indians have all along been turning a deaf ear to the calls for peaceful settlement of the Kashmir problem. However, it was a brave effort, by President Pervez Musharraf to break the deadlock, but much depended on the reception it could receive from New Delhi, which was averse to any solution that runs contrary to its concept of Kashmir being its integral part, the impasse that has resulted with India, occupying two thirds of the territory of Jammu and Kashmir, and Pakistan administering remaining one-third, with UN-recognized ceasefire line separating

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<sup>15</sup> Mehwish Hafeez, India Pakistan relations – the peace process, Strategic Studies Autumn 2011, Number-3, Vol XXX1, Quarterly Journal of the ISSI

<sup>16</sup> "India Pakistan Talks stalled after attacks", Reuters, December 16, 2008, at <http://www.reuters.com/article/idUSTRE4BF3GK20081216>



them.<sup>17</sup> Besides unavoidable incidents, the obstinate Indian attitude is impeding the path to any peaceful settlement. It would be wrong to expect Kashmir not to become the source of yet another conflagration in the future, if circumstances are allowed to deteriorate.<sup>18</sup> Therefore, there is a dire need for undertaking meaningful steps for peaceful resolution of the longstanding conflict on Kashmir.

Conforming the Simla Agreement, the bilateral approach in Indo-Pakistan relations has remained inconclusive and a zero-sum game.<sup>19</sup> Through quiet diplomacy, Pakistan and India have been discussing several options to find out a workable solution, which should be acceptable to India, Pakistan and the Kashmiri people. A workable solution can possibly be found, if India steps down from its decades old claim that 'Kashmir is an integral part of India' and also Pakistan drops its old stand that Kashmir is its 'Jugular Vein'. Various scholars and thinkers have suggested number of possible solutions (approximately 18-20) which primarily revolve around three options of plebiscite, partition and independence. Whereas, Pakistan and the Kashmiris have shown some inclination to accept some of these solutions, however, all three stake-holders, especially India<sup>20</sup> have not been able to agree on these proposals:-

***Plebiscite:*** A plebiscite as per UN Resolution is held under UN supervision in complete State or selected areas or districts giving an opportunity to Kashmiris' their right of self-determination i.e, either to accede to India or Pakistan.

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<sup>17</sup>Fahmida Ashraf, Jammu and Kashmir Dispute Islamabad Papers 2002 Published by DG on behalf of Institute of Strategic Studies Islamabad P.1

<sup>18</sup> Ibid

<sup>19</sup>. A Statement by Dr Pervaiz Iqbal Cheema in his Interview to PTV correspondent, 15 October 2010.

<sup>20</sup> . "Kashmir Problem, Options for settlement by Sardar Abdul Qayyum Khan, Pages 119-150. According to Sardar Abdul Qayyum Khan, these political options are available and mutually acceptable to all three parties. However, the assumption of mutually acceptable to all three parties may not be true since Indians on all the open forums have always criticized and rejected these options.

**Partition:** Various options such as partition based on communal lines or along Rivers of Chenab or Jhelum, altering LOC to ensure uninterrupted flow of waters to Pakistan and safeguarding Indians concerns of Srinagar-Leh Road, or giving to India and Pakistan the areas that are already with them while Kashmir Valley and Districts of Kargil, Doda, Poonch and Rajuari be given under UN Administration for five years, followed by plebiscite, and the *Status Quo* (only Indian option).

**Independence:** Giving independence to complete State or only Kashmir Valley. It is supported by a faction of Freedom Movement (JKLF). This is not in line with accepted UN Resolution and neither party i.e. India and Pakistan supports this option.

### **New Approach to Kashmir Problem**

President of Pakistan, General Musharaf, during the Agra Summit in July 2001, displayed greater flexibility and promised the Indian leadership that Pakistan would accept any solution of the issue, which is acceptable to the people of Kashmir, but India remained stuck to her old stance. Taking advantage of changed international environment post 9/11 incident and the war on terror, India accused Pakistan of the terrorist attack on her parliament on December 13, 2001 and the resultant standoff lasted for almost a year. In September 2002, through another step forward, Pakistan suggested following a Four-Phase approach to resolve the issue:<sup>-21</sup>

**Recognition of Kashmir as a Dispute.** In the backdrop of Post-9/11 environment, India almost declined to accept Kashmir as a dispute, except the portion under Pakistani administration. Until and unless a dispute is not taken as an issue worth resolving, no forward movement would be possible. It was through hectic Pakistani efforts and strong international pressure, which ultimately forced India to accept the existence of Kashmir as an unresolved issue.

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<sup>21</sup> Ms.Akhtar Shaheen,(2006) India – Pakistan Peace Process: Role of Perceptions, Margalla Papers. pp. 70-72.

***Initiation of a Dialogue Process.*** In the next phase, Pakistan proposed initiation of a dialogue process to know each other's view-point on the issue. Through concerted efforts, it took almost one and half year to convince India for the resumption of dialogue process on the core issue.

***Shedding off Unacceptable Solutions.*** As there were number of suggested solutions/ proposals, the next logical step was to knock out all those options unacceptable to all three parties of dispute; Pakistan, India and Kashmiris. Elimination of unacceptable options would leave only those options which are worth negotiating by all parties and will ultimately be debated to reach at a final mutually agreed solution.

***Securing a Win-Win Situation.*** Following the dialogue process, all parties to dispute were to reach a final solution acceptable to each one of them i.e. a win - win situation for all.

After a long period of heightened tension and stalled dialogue, Pakistan had set the stage for the resumption of the vital Confidence Building Measures (CBM) in the shape of declaration of a unilateral cease-fire across the LoC in November 2003. On the sidelines of the 12<sup>th</sup> SAARC Summit in Islamabad, President of Pakistan and Prime Minister of India, Mr. Atal Behari Vajpayee signed a historic declaration on January 6, 2004, leaving behind the well-beaten tracks of confrontational posturing. In the joint statement, the President of Pakistan and the Prime Minister of India agreed to commence the process of the composite dialogue,<sup>22</sup> with a commitment from both sides to find a permanent solution of the dispute, acceptable to all parties.

On October, 25, 2004, President Musharraf proposed that *"India and Pakistan should consider identifying regions of Kashmir on both sides of the Line of Control, demilitarizing them and granting them the status of independence, joint control or some kind of UN control"* (a 'Region Based' approach). Currently Kashmir comprises

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<sup>22</sup> Ashutosh, Misra, The Problem of Kashmir and Problem in Kashmir: Divergence Demands Convergence, Strategic Analysis, New Delhi: Institute for Defence Studies and Analysis- Vol. 29 No. 1, Jan-Mar 2005, p. 33.

five geographical regions, having variations on the basis of religion or ethnicity. Presently two of the regions are under Pakistani control and three under Indian occupation.<sup>23</sup> These regions are: Azad Jammu and Kashmir, Northern Areas (Gilgit -Baltistan), the Vale of Kashmir, Jammu (having three Hindu and three Muslim majority districts) and Ladakh with Dras-Kargil as Muslim and Leh as Buddhist majority area.

As an extension of its earlier proposal of a '*Region Based*' approach, for finding a lasting solution to Kashmir issue, in December 2006, President of Pakistan explained modalities for its implementation / practicability through a '*four-point formula*', encompassing<sup>24</sup>: Identification of the regions in Kashmir taking into account nuances and strategic implications; Phased demilitarization of all regions; Self-governance within each region of Kashmir and Joint supervisory mechanism (joint management/ sovereignty) with representatives from India, Pakistan and all parts of Kashmir, to oversee the plan's implementation.

### **Analysis of Suggested Solutions**

All three parties to the dispute could not agree on any single option during the course of prolonged inconsistent negotiations. The option of 'Plebiscite' in accordance with the UN Resolution, and religion based partition is unacceptable to India, whereas, Kashmiri and Pakistan would not accept LoC as a permanent border. Geographical basis of solution presented by Pakistan in October 2004 is considered as the only left over option, which shuns the secular objections of India. Geographically identification of regions would be followed by demilitarization one by one, thus, giving way to CBMs like; normalization of relations, building of enough trust between the two countries, opening of all entry points for the divided families, clans, and tribes and revival of traditional trade routes. While initiating the idea, the president of Pakistan said, "We

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<sup>23</sup> *ibid.*, pp. 34-36.

<sup>24</sup> President General Pervaiz Musharaf interview with Dr. Prannoy Roy on ND TV (Indian TV) dated December 6, 2006.

are at a stage where options acceptable to Pakistan, India and the Kashmiri are ought to be considered".<sup>25</sup>

Indo-Pakistan composite dialogue process from 2004 to 2006 has made much headway, thereby, strengthening the bilateral peace process between India and Pakistan. However, regrettably, it encountered a reverse effect in some ways because since 2007 onwards, Pakistan Government was confronting all kinds of political instability and internal destabilization and therefore, could not push / pursue the dialogue process with India on its proposed options.

The Indo-Pakistan dialogue process had made considerable progress, and therefore should have continued. However, pursuance of this process by Pakistan due to her domestic compulsions provided enough flexibility to India to start the campaign for winning hearts and minds in Indian Held Kashmir (IHK). Through the use of its state machinery, including armed forces, Indian Government is in the process of reconstructing all civic facilities including religious places in disturbed areas of the State. Changing the demography through settlement process is yet another move of India in certain parts of IHK. Kashmiri youths are being offered employments in various government departments and pro-India Kashmiri parties have been mobilized to assist restoration of normalcy in the State. By the time Pakistan is over from its domestic issues, India would have taken a number of compensatory measures to lure in/ rehabilitate the unsettled state subjects. These Indian efforts are considered by some as positive developments; However, addressing a seminar 'Kashmir dispute in historical perspective' in Srinagar (IHK), Chairman Hurriat Conference (G), Syed Ali Shah Geelani, also asked the people of Kashmir to choose between developmental activities and freedom, saying "dilemma and disunity among them creates confusion about Kashmir issue at global level."<sup>26</sup> He also emphasized that "Before decrying delay over implementation of UN resolutions on Kashmir, people of Kashmir must go for introspection whether they want fly-overs, roads and power or Azadi (freedom) for which lacs of people sacrificed their

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<sup>25</sup> Haqqani, Husain, A Kashmir End Game, October 25, 2004.

<sup>26</sup> Ali Shah Geelani, addressing a Seminar in Srinagar on 8<sup>th</sup> January, 2014. Also see for details, daily news 'The Observer' dated January 8, 2014.

lives."<sup>27</sup> Such feeling/ realization present in Kashmiri leadership is indicative of their genuine desire to free themselves from the clutches of Indian influence. These attempts would keep the issue alive and Indian efforts may not bear the desired results. Therefore, resolution of the dispute becomes imperative.

### **Resolution of the Conflict Vis-a-Vis Interests of Various Stake holders**

Needless to highlight the importance of 'Kashmir Issue' which has been debated at length at various forums and also in this paper would briefly touch upon the concerns and the interests of various stake-holders which directly or indirectly influence resolution of the conflict.

A few Indian military thinkers perceive that nuclear dimension has closed the window for a major conflict, but, war between the two is still possible at a level lower than a full-blown conflict. Belligerent and unpleasant bilateral relations have neither allowed India to realize its potential at the optimal level nor could Pakistan address basic issues, essential to improve the living standard of its 184 million people. Notwithstanding the international community's security concerns about South Asia, besides multiple factors in post-9/11, changed international environment, internal situation and political instability, Pakistan's commitment to Kashmir remains intact, but its actual capacity to push the issue through a combination of diplomatic and military means has drastically decreased.

Sons of the soil, *the people Kashmir* claim that at the time of partition, disregarding their choice, Maharaja, had no right to single-handedly decide the future of majority. These were Muslims of AJK who succeeded in liberating a sizeable part of Kashmir. They authenticate their claim on the basis of UN resolutions passed later in line with their claim, giving them the right of self-determination, which India never let materialize till to date. On the other hand, India's presence in the valley through anti-terror legislation gives

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<sup>27</sup> Ibid

broad power to Indian security personnel, while virtually absolving them of any legal responsibility for their actions, which has facilitated widespread abuse of combatants and non-combatants alike.<sup>28</sup> In addition to the continued sufferings and denying their right of self-determination to Kashmiri people, indifferent attitude of the comity of Nations remains cause of their annoyance. Being disturbed on the Human right abuses committed by Indian forces, and their smart move towards developmental activities, Kashmiri leadership reiterated the need that instead of motivating India for talks and concessions, Pakistan should try to garner support of the world community in order to take Kashmir issue in General Counsel of the United Nations.<sup>29</sup>

PAKISTAN'S lifeline water channels run from Kashmir. Construction of several dams and water reservoirs by India along with a long list of future dams in IHK will affect the agriculture in Pakistan, besides having serious security implications. If there are misunderstandings on water issues, the tensions between India and Pakistan can move into another serious dimension, a flash point for a 'Water War'. Hence, the strategic value of Kashmir to Pakistan cannot be denied. It all reinforces the idea as to why Father of the Nation Quaid-i-Azam called Kashmir as the 'Jugular Vein' of Pakistan. Similarly, former president of Pakistan, Field Marshal Muhammad Ayub Khan was of the view that "both Kashmir and water related disputes are matters of life and death to Pakistan."

As regards India, besides various apprehensions and self-acclaimed satisfaction over different electioneering processes in Kashmir (disregarding the ground realities), her claim over IHK is based on the misplaced documentary proof that at the time of independence, the Maharaja had signed and decided to accede as a State to India and it is Pakistan that has occupied areas of Kashmir by force. It is with this claim that India went to UN to complain and get its areas back. Moreover, in addition to her claim of being a

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<sup>28</sup> Amnesty International, *Torture and Deaths in Custody* (New York, 1995), pp. 46 - 55.

<sup>29</sup> Chairman Hurriyat Conference (G), Syed Ali Geelani, addressing a Seminar in Srinagar on Wednesday, January 08, 2014. Also see for details, daily news 'The Observer' dated January 8, 2014.

regional power, India wants to break away from all the chains that are holding her back from achieving the objectives to become a permanent member of United Nations Security Council (UNSC), Most Favoured Nation (MFN) and economic might of the region (to balance China). She would endeavour to seek Kashmir solution on her own terms, to improve her image and global perception as regards peace and security of South Asia.

Though moving at the snail's pace, the decision of the UN to continue to retain UNMOGIP despite repeated opposition from India is a proof that the UN views Kashmir as a dispute, which can become a more acute threat to international peace and security.<sup>30</sup> However, to keep the Kashmir issue alive on UN agenda, continuous efforts would be required by the Kashmiris and Pakistan.

US Secretary of State, Senator John Kerry, in his report titled 'Avoiding Water Wars in South and Central Asia' has warned that the cumulative effect of these projects (diversion of river waters and building dams) could give India the ability to store enough water to limit supply of Pakistan at crucial moments in the growing season".<sup>31</sup> India might also use various dams as a coercive tool by releasing water at will, causing floods in Pakistan besides creating drought-like situation. However, present US government has declined to formally, render any overt assistance to the resolution of Kashmir issue but the fact remains that till 2005 the US Congress was taking serious interest in the resolution of this issue openly.<sup>32</sup> Pakistan therefore, needs to garner that support again through her diplomatic efforts and resolve.

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<sup>30</sup> Ahmer Bilal Soofi, The Kashmir Issue & its Impact on Regional & International Security, Pakistan Journal of International Law, Vol 1 No.1 (Jan-mar, 2011) Research Society of International Law

<sup>31</sup> US report on water issues validates Pakistan's concerns:FO', The News, February 24, 2011.

<sup>32</sup> Ibid. The US government had passed upto 2000 resolutions in its Congress urging both India and Pakistan to resolve the Kashmir issue.



### **Domestic Public Opinion**

At the domestic level, there are two distinct schools of thought, for pursuing such an attempt/ initiative. According to one school of thought, the present window of opportunity should be utilized for economic development and strengthening of our military muscle. They further argue that since US has entered into a strategic partnership with India, as against a seasonal tactical relationship with Pakistan; it is likely that it would favour Indian approach towards the Kashmir issue. Therefore, they advocate putting the Kashmir issue at the back burner for the time being and wait for the opportune moment to solve it on our own terms. The second school of thought considers that it is time to develop a framework of CBMs which can help to more systematically address some of the key issues that Pakistan and India face.<sup>33</sup> However, geo-political situation in 2004, in which Pakistan with a status of 'Non-NATO Ally' was a front line state in WOT, provided a rare opportunity to strive for Kashmir resolution, then, or it would be never possible in the long run. It was also rightly feared that this window of opportunity was not going to last longer. As soon as Pakistan loses its relevance to the US and the Western countries, their sympathies would change overnight, the signs of which have started appearing. According to the second school of thought, if Pakistan is internally strong and united on this crucial issue, we have nothing to fear. All such efforts should therefore be directed in accordance with the national interests towards an overall objective of conflict resolution.

Pakistan strongly believes that without resolving the Kashmir issue according to the wishes of the Kashmiri people, Peace and Security in South Asia would always be vulnerable. The unrest in Kashmir became human of rights violations by Indian Security Forces was purely indigenous and it was recognized not only by India itself but also by the international community. This realisation forced many Indian Scholars echo the same rationale that the Kashmir Issue cannot be put on the back burner.<sup>34</sup> From the hind-sight and in view of the prevailing environment, where democracy is

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<sup>33</sup> Jahangir Karamat & Shashi Tyagi, CBMs in South Asia, Dawn, Islamabad, March 20, 2012.

<sup>34</sup> 'Home Secretaries of India, Pakistan meet', The Hindu, March 28, 2011.

in place and political situation is stabilized, it seems appropriate to follow the second school of thought and, thus, wholeheartedly pursue all efforts to reach out a solution that is acceptable to all the three parties. However, it needs to be realized that to resolve such an intricate Issue, there is a need to develop consensus on the future course of action, while keeping in mind that the process of dialogue would be time consuming and complex.

### **Analysis / Comments**

On resumption of the political dialogue process between Pakistan and India in early 2004, President Pervaiz Musharraf, offered several fresh ideas, including with a view to initiating a debate on various options for securing a solution to the most complex issue of Kashmir. He emphasized that in order to arrive at a mutually acceptable solution; each party has to step down from her inflexible and tough stance so that other options could be explored for arriving at a consensus. His main idea was based on a focused approach of dialogue and discussion within Pakistan,<sup>35</sup> by Kashmiris and the Indian leadership. Kashmiris generally appreciated the commencement of such a process, which eventually leads to a settlement. However, some of the Pakistani leaders also rejected these proposals considering that such offers amount to abandoning the Pakistan's principled stance supported by several UNSC Resolutions.

As a student of International Relations/ Politics, and viewing it *from the prism of a 'Realist'*, there appears to be prudence and an element of sagacity that unless the parties are ready to compromise and step down from their age-old rigid stance showing some flexibility, no solution could be realized for this kind of a complicated dispute. The proposal indicates a sincere effort to achieve a solution to the problem, thereby, alleviating the sufferings of the Kashmiris.

Floating such a proposal is aimed at generating a discussion at all the forums and arriving at a consensus to strengthen the arguments. However, perceived Pakistan's across-the-board

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<sup>35</sup> 'Resolving the Kashmir Dispute' in The News, October 17, 2004.

departure from past policies on Kashmir raised important questions that have bearing on the future of the Kashmir dispute, India-Pakistan relations, and the role of the United States in South Asia. These apprehensions or questions could be as to what role did the US-led war on terror play in altering Pakistan's strategic calculations? Similarly, if India fails to reciprocate Pakistan's proposal (flexibility) at the negotiating table, how long will Pakistan remain committed to a peaceful settlement of the Kashmir dispute? If the Indo-Pakistan political process breaks down again, what new policy will Pakistan pursue towards India and Kashmir?

Sequel to India's intense military pressure after the December 13, 2001 terrorist attack on the Indian Parliament<sup>36</sup> and after the September 11, 2001 terrorist attacks on USA, the need was felt for a rational response and, hence, a policy shift on Kashmir. The process continues to evolve even now. The shift was also warranted as an outcome of the then government's carefully calculated strategy to assuage Pakistan's strategic overstretched employment on its eastern and western borders and also to concentrate resources on its economic growth and internal security. The change was also aligned to the international opinion which had changed dramatically after the Indian and Pakistani nuclear weapon tests of May 1998. International community now views military conflict between nuclear-armed India and Pakistan as unacceptable and would move against the initiator of irresponsible military action.<sup>37</sup>

In pursuing a softer policy on Kashmir, President Musharraf faced a considerable amount of public pressure, political opposition, and presumably plenty of internal dissensions. In his opinion, Indian Prime Minister Manmohan Singh was sincere about the peace process, and could prevail upon the Indian military and bureaucracy to accept a compromise solution with Pakistan on the Kashmir

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<sup>36</sup> For details see Dawn, Islamabad, June 2, 2004.

<sup>37</sup> Fahmida Ashraf, *Jammu and Kashmir Dispute Islamabad Papers 2002* Published by DG on behalf of Institute of Strategic Studies Islamabad.

dispute.<sup>38</sup> Although this view of Mr. Singh was implicit in his statements, but it appeared that Islamabad at times became more pessimistic about the progress of Indo-Pakistan talks.<sup>39</sup> Considering the composite dialogue with India to be a 'fleeting opportunity', President Musharraf seemed to be genuine in his desire and efforts to permanently settle the Kashmir dispute and normalize bilateral relations, but he also had some reservations about India's sincerity and commitment to the peace process.

Pakistan's position was almost in line with Prime Minister Manmohan Singh's assertion of 'Out of the box thinking'. President Musharraf's four-point proposals were built on the basic understanding reached between the two leaders, which both stated repeatedly; 'the status quo in Kashmir must change; and Line of Control should become irrelevant, as borders are opened up between the two parts of Kashmir.' However, 'four points' proposal given by the President was expected to be bitterly contested in both the countries since each one of them raises a host of questions. However, answers to these questions and to many others, could be sought once all the parties agree to some/ similar kind of arrangement and sit together in an attempt to remove apprehensions and mistrust, while arriving at a much needed consensus solution.

Resolution of the Kashmir dispute through political reconciliation to the satisfaction of all the stake-holders (i.e, Pakistan, India and the Kashmiri people), requires adoption of pragmatic approach by both India and Pakistan. This is considered one of the most important factors in maintaining sustainable peace and security in the sub-continent. This warrants an engagement with the dynamics of Kashmir Conflict by the international community as well as the three stakeholders. Thinking 'Out of Box' and devising 'Creative Solutions' for the Kashmir conflict has emerged as the new

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<sup>38</sup> "President Musharraf's Address on Kashmir Solidarity Day," Muzaffarabad, Pakistan, February 5, 2006. Also Pervaiz Iqbal Cheema, "Third Round: India-Pakistan Dialogue," *The Post*, 29 Jan' 06.

<sup>39</sup> Pervaiz Iqbal Cheema, "The global and Regional Ramifications of the U.S.-India Nuclear Deal," *The Post*, January 29, 2006.

framework within which the political discourse on Kashmir is revolving.<sup>40</sup> Hence, there is a requirement for a compromise solution with honest and concerted efforts from both sides, for which it is imperative that dialogue between the governments and people of India and Pakistan should be initiated without any pre-conditions, while at the same time Media should play a constructive role in preparing the public for accepting a compromise/ 'give and take' formula, and establishment of a mutually acceptable framework.<sup>41</sup>

### **Enhanced Requirement for Constructive Engagement**

Pakistan has always stressed upon the necessity of a meaningful, constructive and result oriented dialogue for peaceful resolution of Jammu and Kashmir dispute. If, indeed, a durable and peaceful solution to the problem is to be found, then, rigidity and coercion (by both the parties) must give way to accommodation and flexibility with realization and understanding of ground realities. Through positive engagement, there is a need to develop complete understanding and harmony between the masses, politicians, bureaucracy and the military. The Government needs to enhance/encourage CBMs for the basic purpose to reduce or even eliminate (in some cases) the causes of mistrust, fear, tension and hostility.

Resumption of Dialogue process in 2011 after the deadlock, following Mumbai incident, and encouraging signals by both the Government are healthy developments. We should keep moving forward through CBMs keeping in mind sensitivities of each other for peaceful resolution of Kashmir by positively engaging India. Also, for any constructive diplomatic engagement with India about resolution of Kashmir, Pakistan needs to ensure its internal stability, while maintaining its relevance and credibility with the international community and the US. So far the flexibility on Kashmir is a unilateral gesture from Pakistan. Indian 'go slow' approach should be contested by Pakistan because it wants early move towards

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<sup>40</sup> Dr Pervez Iqbal Cheema, Solving the Kashmir Dispute: Is there a way out? WISCOMP (Women in Security, Conflict management and Peace) New Dehli, India

<sup>41</sup> Ibid

solution of the core conflict. Moreover, it needs to be re-emphasized at every forum that progress towards peace, CBMs and settlement of Kashmir and other issues should not be linked to sporadic terrorist incidents anywhere in IHK, Pakistan or India. This would create an atmosphere of mistrust between India and Pakistan and add to the frustration of the Kashmiris' people. At the same time, significance of engagement/ dialogue must never be under estimated since it ensures peace and normalcy, while denying space/ vacuum that could be exploited by militants and negative ideologues leading to hostile attitude and regional insecurity.

Series of meetings organized by University of Ottawa and the Atlantic Council (in Dubai & Bangkok), involving senior retired officers from both the countries who are reviewing existing military CBMs<sup>42</sup> and are suggesting new ones is a positive development. Such a renewed process of engagements is of paramount importance and must be encouraged to remain sustainable, uninterrupted and result oriented covering a broader spectrum of all outstanding issues.

### **Conclusion**

Sequel to resumption of talks in February 2011, India-Pakistan relations are going through a relatively calm phase, but things can change quickly. Both the countries should try and take advantage of the present atmosphere and favourable pattern of behaviour. The inflexible and hard stance adopted by both India and Pakistan does not lead to any possible or acceptable solution to either side. Hence, there is a requirement for a compromise solution with honest and concerted efforts from both sides. The suggested 'Region Based' approach and 'Four -point formula' with an ultimate objective of securing a win-win situation for all is an ideal proposition. It offers the solid basis for serious and potentially fruitful negotiations to resolve the Kashmir issue. From both sides, unduly promoted contrived theories and notions like linking Indian Secular identity to Kashmir, or secession of Kashmir would establish dangerous precedence for other states of India to demand the same

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<sup>42</sup> Jahangir Karamat & Shashi Tyagi, CBMs in South Asia, Dawn, Islamabad, March 20, 2012.

or India using the conflict to maintain economic pressure on Pakistan etc. need to be subjected to realistic assessment.<sup>43</sup> Indian and Pakistani people should be familiarized with intricacies and complexities of the dispute through effective articulation of media campaign. There is high time now that both India and Pakistan need to recognize the dictates of time and adopt a pragmatic approach. It may not be easy to forget the past history of broken pledges and massive human rights violations, but efforts can be directed to initiate a phased/ progressive dialogue process for resolution of the dispute. The process of 'Peace Dialogue' by undertaking regular debates, discussions and analysis of complex issues with an aim of securing a settlement must continue. This would also reduce or even eliminate (in some cases) the causes of mistrust, fear, tension and hostility thereby transforming the atmosphere for eventual resolution of Kashmir Dispute.

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<sup>43</sup> Pervaiz Iqbal Cheema, "The global and Regional Ramifications of the U.S.-India Nuclear Deal,"  
The Post, January 29, 2006.





**Annexure - I****Resolution Adopted at the Meeting of the United Nations Commission for India and Pakistan on 5 January, 1949. (Document No. 5/1196 Para. 15, dated the 10<sup>th</sup> January, 1949).**

THE UNITED NATIONS COMMISSION FOR INDIA AND PAKISTAN Having received from the Governments of India and Pakistan in Communications, dated December 23 and December 25, 1948, respectively their acceptance of the following principles which are supplementary to the Commission's Resolution of August 13, 1948;

1. 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;

2. A plebiscite will be held when it shall be found by the Commission that the cease-fire and truce arrangements set forth in Parts I and II of the Commission's resolution of 13 August 1948, have been carried out and arrangements for the plebiscite have been completed;

3. (a) The Secretary-General of the United Nations will, in agreement with the Commission, nominate a Plebiscite Administrator who shall be a personality of high international standing and commanding general confidence. He will be formally appointed to office by the Government of Jammu and Kashmir.

(b) The Plebiscite Administrator shall derive from the State of Jammu and Kashmir the powers he considers necessary for organizing and conducting the plebiscite and for ensuring the freedom and impartiality of the plebiscite.

(c) The Plebiscite Administrator shall have authority to appoint such staff or assistants and observers as he may require.

4. (a) After implementation of Parts I and II of the Commission's resolution of 13 August 1948, and when the Commission is satisfied that peaceful conditions have been restored in the State, the Commission and the Plebiscite Administrator will determine, in consultation with the Government of India, the final disposal of Indian and State armed forces, such disposal to be with due regard to the security of the State and the freedom of the plebiscite.

(b) As regards the territory referred to in A 2 of Part II of the resolution of 13 August, final disposal of the armed forces in that territory will be determined by the Commission and the Plebiscite Administrator in consultation with the local authorities.

5. All civil and military authorities within the State and the principal political elements of the State will be required to co-operate with the Plebiscite Administrator in the preparation for and the holding of the plebiscite.

6. (a) All citizens of the State who have left it on account of the disturbances will be invited and be free to return and to exercise all their rights as such citizens. For the purpose of facilitating repatriation there shall be appointed two Commissions, one composed of nominees of India and the other of nominees of Pakistan. The Commissions shall operate under the direction of the Plebiscite Administrator. The Governments of India and Pakistan and all authorities within the State of Jammu and Kashmir will collaborate with the Plebiscite Administrator in putting this provision to effect.

(b) All persons (other than citizens of the State) who on or since 15 August 1947, have entered it for other than lawful purpose, shall be required to leave the State.

7. All authorities within the State of Jammu and Kashmir will undertake to ensure in collaboration with the Plebiscite Administrator that:

(a) There is no threat, coercion or intimidation, bribery or other undue influence on the voters in plebiscite;

(b) No restrictions are placed on legitimate political activity throughout the State. All subjects of the State, regardless of creed, caste or party, shall be safe and free in expressing their views and in voting on the question of the accession of the State to India or Pakistan. There shall be freedom of the Press, speech and assembly and freedom of travel in the State, including freedom of lawful entry and exit;

(c) All political prisoners are released;

(d) Minorities in all parts of the State are accorded adequate protection; and

(e) There is no victimization.

8. The Plebiscite Administrator may refer to the United Nations Commission for India and Pakistan problems on which he may require assistance, and the Commission may in its discretion call upon the Plebiscite Administrator to carry out on its behalf any of the responsibilities with which it has been entrusted;

9. At the conclusion of the plebiscite, the Plebiscite Administrator shall report the result thereof to the Commission and to the Government of Jammu and Kashmir. The Commission shall then certify to the Security Council whether the Plebiscite has or has not been free and impartial;

10. Upon the signature of the truce agreement the details of the foregoing proposals will be elaborated in the consultation envisaged in Part III of the Commission's resolution of 13 August 1948. The Plebiscite Administrator will be fully associated in these consultations;

Commends the Governments of India and Pakistan for their prompt action in ordering a cease-fire to take effect from one minute before midnight of first January 1949, pursuant to the agreement arrived at as provided for by the Commission's resolution of 13 August 1948; and Resolves to return in the immediate future to the sub-continent to discharge the responsibilities imposed upon it by the resolution of 13 August 1948, and by the foregoing principles.

The UNCIP unanimously adopted this Resolution on 5-1-1949. Members of the Commission: Argentina, Belgium, Colombia, Czechoslovakia and U.S.A.



**Annexure - II****Resolution 122 (1957)  
Adopted by the Security Council at its 765th meeting on 24 January,  
1957**

THE SECURITY COUNCIL,

Having heard statements from representatives of the Governments of India and Pakistan concerning the dispute over the State of Jammu and Kashmir,

Reminding the Governments and authorities concerned of the principle embodied in its resolutions 47 (1948) of 21 April, 1948, 51(1948) of 3 June, 1948, 80 (1950) of 14 March, 1950 and 91(1951) of 30 March, 1951, and the United Nations Commission for India and Pakistan resolutions of 13 August, 1948, and 5 January, 1949, that the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations,

1. Reaffirms the affirmation in its resolution 91 (1951) and declares that the convening of a Constituent Assembly as recommended by the General Council of the "All Jammu and Kashmir National Conference" and any action that Assembly may have taken or might attempt to take to determine the future shape and affiliation of the entire State or any part thereof, or action by the parties concerned in support of any such action by the Assembly, would not constitute a disposition of the State in accordance with the above principle;

Decides to continue its consideration of the dispute.

The Security Council voted on this Resolution on 24-1-57 with the following result: In favour: Australia, China, Colombia, Cuba, France, Iraq, Philippines, Sweden, U.K. and U.S.A.

Against: None

Abstaining: U.S.S.R.



**National & Military History Cell, NDU, Publications<sup>44</sup>**

1. Pakistan – India Wars 1965 & 1971
2. Selected Readings in Military History: Napoleonic Art of Warfare, Battles of Tennenberg & Masurian Lakes - 1914
3. Evolution of Military Thought
4. World War-I: The Western Front
5. Post Workshop Report on Balochistan Situation, 2012
6. National Strategy Paper: Non-Kinetic Challenges to the State of Pakistan, 2012
7. Afghanistan-2014 – The Decision Point, 2013 (The Joint Publication with SASSI University, Islamabad)
8. History of Armed Forces War College, 2010 {Co-authored with Brig (now Maj Gen) Samrez Salik}
9. Kashmir: Looking Beyond the Peril, 2014
10. ISSRA Papers – 1<sup>st</sup> Half 2013

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<sup>44</sup> Edited, co-edited and co-authored by Manzoor Ahmed Abbasi, Deputy Director, National & Military History Cell, ISSRA, NDU, Islamabad