Chapter IV

Indo-Pak Conflict and Conflict Resolution

Kauthiya, a great Indian philosopher of 400 B.C, termed the immediate neighbour state in front as ari (an enemy) state. If this terminology is considered valid today then it equally applies in the case of Indo-Pak relations. Pages of the recent history of Indo-Pak relations remind us of a snake-ladder game. In spite of a good beginning, every step towards the game of foreign relations between the two countries ultimately becomes the victim of the poison of prejudice and mistrust. The legacy of communal antagonism, mistrust, suspicion and insecurity, which originated before partition did not subside with the creation of two independent and sovereign states (India and Pakistan) in the sub-continent. Soon, it got transformed into an Indo-Pakistan rivalry making them uncomfortable to live as friendly neighbours.¹

India’s relations with Pakistan have always been full of tensions and conflicts ever since the two countries became independent in 1947.²

Partition of India was accompanied by several unfortunate circumstances. There were problems related to the division of assets and liabilities, demarcation of boundaries both of the land and water and basically the feeling of suspicion and distrust, which got aggravated following partition.³ The communal riots and large-scale migration from both sides widened the differences between the two communities and the two countries. Instead of joining together in celebration of their great victory over European colonialism,

the people of south Asia witnessed a blood bath, hatred and conflict. It was his communal issue and their failure to accommodate diversities, which influenced the course of relations between the two. Moreover, the political system, which the two countries chose also, led to a gulf between the two. Pakistan always looked at India as 'Hindu-India' ignoring altogether its secular character, while the existence of Islamic State of Pakistan was bound to raise some misgivings in the Indian circle.4

In fact, communally impacted vision of Pakistan has proved greatest hurdle in the way of good, friendly relations with India. Kashmir has also proved constant irritant between the two countries. During UN General Assembly debate in 1966 the Indian spokesman remarked that Kashmir was but a symptom of the deep malaise in their neighbourly relations.5 In fact till today Pakistan has not accepted the accession of Jammu and Kashmir (J & K) to Indian union. Moreover, the way in which Pakistani leaders reacted to the issue of J & K reveals their mindset. Once Jinnah told a deputation of the J & K Muslim Conference that "Kashmir is in my pocket" because Jinnah had thought that Kashmir being a Muslim majority state would opt for Pakistan.6 This mindset of Pakistan has not changed at all and the leaders of Pakistan while changing their language and strategy on J & K at different point of time want to see the dreams of Jinnah fulfilled.

Pakistan and India attained freedom from the colonial rule in 1947. Pakistan came into existence on the basis of 'two-nation theory' propounded by Quid-I-Azim Mohammad Ali Jinnah, who became the first Governor General of Pakistan. The partitioning process has in fact been a source of strained relations between India and Pakistan since 1947. However, Kashmir emerged as the principle source of friction. Ever since then this problem has

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4 Nautiyal, no. 1, p. 206.
defied all solutions and for Pakistan there can be no normalisation of relations with India until and unless this conflict is settled.7

Kashmir remains one of the most intractable challenges that have defied solution, despite the various efforts of the international community over the past half-century. This crucial regional problem, which emerged soon after the end of II World War, continued to fester during and after the cold war. This problem poses a serious threat to international peace and security. In fact, the post-cold war period has seen a dramatic escalation of tensions and violence in this region. Kashmir conflict is further complicated by nuclearization of the region and transnational terrorist network linkages.8

Wedged between the two new nuclear-armed states of India and Pakistan, Kashmir has been described as “the most dangerous place on earth”.9 The region has witnessed not only the most sustained level of violence anywhere in the world since the end of the cold war but is recognised as a crisis-prone nuclear flashpoint. Kashmir is also symptomatic of the challenge posed by transnational terrorist groups both to states and to indigenous liberation movements. Yet the efforts of the international community in addressing this lasting conflict have remained sporadic in general or as painfully ineffective as in the case of the ongoing UN efforts in particular.10

Kashmir Conflict: Historical Background

Under the terms of the Treaty of Amritsar in 1846, the British sold the beautiful valley of Kashmir to the Hindu Dogra ruler, Gulab Singh. As Maharaja of Jammu and Kashmir, he was at last able to include Kashmir as

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10 Sidhu, no. 8.
the ‘Jewels’ among his other territorial possessions which included Jammu, Ladakh, Baltistan and numerous hill states through which flowed the river Indus and its tributaries to the east. Thus, people of different linguistic, religious and cultural traditions were all brought under the jurisdiction of one ruler. The inclusion of the predominantly Muslim and more densely populated valley meant that Hindus, Sikhs and Buddhists were in the minority. When a century later the subcontinent was partitioned at independence in 1947, Maharaja Hari Singh, Gulab Singh’s great-grandson could not decide whether to join the new dominion of Pakistan or India. For over two months, his state remained ‘independent’. In October, after large numbers of tribesmen from Pakistan’s North-West Frontier invaded the State, he finally agreed to join India. His decision was contested by Pakistan immediately on the basis of the state’s majority Muslim population. War between both was finally halted by a cease-fire supervised by recently founded UN in 1949.11

J & K became an integral part of the Indian union in 1947 through final accession accordance to the legal framework determined by the British Parliament for the independence of the Indian subcontinent. But Pakistan refused to accept the accession of J & K and considered that it was based on fraud and violence. Pakistan continues to look upon the issue as core of the India’s relations with Pakistan. This is manifested by Pakistan’s pronouncements and its repeated aggression against India. Pakistan’s attempt in 1947 to capture Jammu & Kashmir using military force was successfully resisted by the Kashmiris with the support of Indian Army but Pakistan could hold a portion under its occupation.12

For over fifty years, India and Pakistan have fought over Jammu and Kashmir both on the battlefield and at the negotiating tables. Both India and Pakistan wanted to absorb it within their borders; neither of them has succeeded in doing so entirely. One-third of the former princely state is

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12 Nautiyal, no. 1, p. 208.
administered by Pakistan known as ‘Azad’ (Free) Jammu & Kashmir and the Northern Areas; two-third, known as the state of Jammu & Kashmir, are controlled by India, this area includes the regions of Ladakh, Jammu and the prized valley of Kashmir. Since 1949 a small force of the United Nations Military Observer Group in India and Pakistan (UNMOGIP) has monitored the cease-fire line. Although hostilities broke out again in 1965, the cease-fire line remained the de facto border. During this time Pakistan’s attempt to capitalize on local disturbance to faster insurgency led to war with India, ending with Tashkent Declaration of 1965. Once again in 1971 such attempts led to Pakistan’s defeat and loss of its eastern wing and creation of independent Bangladesh.

In the northeast, China lays claims to a section of uninhabited land, the Aksai Chin, through which in the 1950s it constructed a road linking Tibet to Sinkiang (Xinjiang). The boundary – called the ‘line of actual control’ (LAC) – complicates the issue further. The cease-fire line between India and Pakistan administered Jammu & Kashmir also stopped short at the Siachen Glacier which extends forty miles to the de facto border with China. In 1984 Indian troops took control of part of the glacier, since then Indian and Pakistani forces have confronted each other in the world’s highest war zone. Although bilateral discussions regarding the glacier were begun in 1986, they were suspended after six rounds without agreement in 1992.

What distinguished the Kashmir conflict from other regional conflicts it that in 1948 the Indian government made a formal complaint to the Security Council of the United Nations against Pakistan’s ‘aggression’ in order to affect

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Schaefeld, no. 11.
Gupta, no. 3, pp. 32-33.
Schaefeld, no. 11.
the cease-fire. The complaint against Pakistan in an international forum turned a conflict between two countries into an issue, which demanded international attention. The recommendations of the United Nations formulated into three resolutions passed in 1948 and 1949. These recommendations formalised the presence of a third party into the debate: the wishes of the people who lived in the land over which India and Pakistan were fighting. All three resolutions recommended that India and Pakistan should proceed with holding a plebiscite, as already agreed by the government of India and Pakistan, so that the people themselves could decide their future.

The plebiscite was never held because of some reasons: firstly, as a prerequisite, Pakistan was required to withdraw its forces from the territory, which they had occupied. Secondly, it was clear that the Indian government only agreed to hold a plebiscite at a time when it was confident that the majority would confirm union with India. In the event, Pakistan’s reluctance to vacate the territory it had occupied gave India the excuse to reneg on its commitment to hold a plebiscite: the defacto division of the state, which India and Pakistan had achieved militarily, was therefore neither reversed nor confirmed. But although successive Indian governments may have regretted the fact that an international body was ever involved in discussing the future of the state of Jammu and Kashmir; therefore, the UN resolutions remain on the agenda.

In 1989 a significant number of the Muslim inhabitants of the valley began a movement of protest, which was both an armed struggle and a political rejection of their continuing allegiance to the Indian union. Some were fighting for the plebiscite to be held so that the valley could join Pakistan. Others wanted a plebiscite, which would include a ‘third option’ – independence of the entire state, as it existed in 1947, including the area controlled by Pakistan. The pro-independence activists found legal justification in the UN resolution adopted on 13 August 1948, which recommended that a final decision on the status of Jammu and Kashmir shall be determined in accordance with the will of the people without reference to a
choice between either India or Pakistan. But in reality no government accepted a definition of ‘self-determination’ to be anything other than a choice between India and Pakistan.

Ever since 1947, the international community has watched the situation in Jammu and Kashmir with foreboding, lest the conflict escalate into another war. The contribution, which it has been able to make, has been limited. After the UN resolutions in 1948 and 1949 were passed successive governments in India have attempted to distance themselves from any attempt at international mediation, either by the UN or any other body or individual country. The 1972 Simla agreement with Pakistan provided the opportunity for India to claim that the issue was no longer an international but a bilateral one. But even bilateral talk with Pakistan over Jammu and Kashmir has led to stalemate of rhetoric. Whenever Pakistan called for third-party mediation, India reacted against the ‘internationalisation’ of the issue.16

Therefore, since 1948, India and Pakistan have fought at least four conventional wars, and three of them were in and over the issue of Kashmir. Yet none of them led to the successful resolution of the Kashmir crisis. Because neither side has the necessary conventional military superiority to ensure an outcome in its favour.17 While both sides increasingly recognise the futility of the military option, in the absence of a collective desire to pursue other, nonmilitary approaches, they have inevitably fallen back on this dangerous alternative. Following their reciprocal nuclear tests and presentiments of the overt presence of nuclear weapons on both sides, pursuing the military option has become even more perilous. It is this recognition that has led both India and Pakistan to heed the persistent plea of the international community to seek to normalise relations.

However, bilateral diplomatic attempts at normalising India-Pakistan relations have been frustrating and have generally ended in failure. They have

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16 Ibid.
fluctuated from the promise of the Lahore Declaration (February 1999) to the denouncement of the Agra Summit (July 2001) to the hope of the Delhi Summit (April 2005). Against this backdrop and despite the general sense of optimism, there is, predictably some pessimism about the prospects of the latest cycle of resumed dialogues. Although the round of comprehensive dialogue revived in the principal interlocutors described January 2004 as “irreversible”. It remains to be seen whether the dialogue will sustain. The challenge, however, remains not only in sustaining this dialogue but also in ensuring that it is insulated from the day-to-day setbacks (in the form of terrorist attacks) that have often derailed the process in the past.18

Since every effort to normalise the relations between India and Pakistan and for that matter, bringing peace to the whole of South Asia could not surmount the Kashmir problem, there is a need to explain the claims of Pakistan and India over Kashmir.

II

Kashmir: Perspectives/Claims of India and Pakistan

Kashmir is a keenly contested area between India and Pakistan because it is an integral part of the state formation and nation-building processes in both the countries. Pakistan continues to perceive itself as an incomplete state devoid of strategic depth without the accession of Kashmir – a state with a predominantly Muslim population – within its territorial limits. In contrast India fears that its project of building a secular nation would receive an irretrievable setback if India were to lose Kashmir.19

Kashmir, the most contentious issue between Pakistan and India, has remained intractable since 1947. Although several attempts have been made at the bilateral and multilateral levels to resolve it. This has caused serious strains in Indo-Pak relations to the extent that they view each other as the

18 Sidhu, no. 8, p.3.
major adversary and have been able to evolve normal bilateral relations as neighbours. Both India and Pakistan link Kashmir with their state identities. India interprets its rule over the Muslim-majority state of Jammu and Kashmir as evidence of its secular credentials. Pakistan describes Kashmir as integral to its Islamic identity and an unrealised aspect of the process that led to Pakistan’s independence. Such a linkage between Kashmir and the state identities of the two countries is a major obstacle to evolving a mutually acceptable solution of the Kashmir 20

Pakistan’s Perspective

In Pakistan, Kashmir is viewed as the primary cause of the problems in Indo-Pak relations. There is a general consensus in political circles that an amicable resolution of the Kashmir problem will contribute significantly to improve bilateral relations. Other problems in the two countries relations are viewed as less salient and more amenable to solution than the Kashmir problem. Pakistan calls Kashmir as the unfinished agenda of partition and has been trying every possible method to achieve this goal.

From Pakistan’s standpoint, India’s occupation of Kashmir has been illegal because India has held on to Kashmir without going through the UN-supervised plebiscite. Pakistan emphasises that the people of Kashmir should be allowed to decide their political future in a plebiscite as set out in the United Nations resolution of 1948-49. Pakistan’s claim on Kashmir is based on the resolutions adopted by the United Nations Commission on India and Pakistan (UNCIP) in August 1948 and January 1949 and subsequently endorsed by the UN Security Council. These called for holding a plebiscite in

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21 Ibid.
22 Chopra, no. 2, p. 163.
23 Harshe, no.19.
Jammu and Kashmir to determine whether the people wanted to join Pakistan or India.24

The UN Security Council remained actively engaged with the Kashmir problem for the next ten years, but these resolutions could not be implemented for a number of reasons. India and Pakistan did not agree on the modalities for holding the UN-proposed plebiscite in J & K. Another major reason for inaction on the UN resolutions was that the Kashmir problem got entangled with the cold war between the United States and the Soviet Union.25 India obtained the endorsement of Kashmir’s accession to India by the Indian-administered Jammu and Kashmir (IJK) assembly, enabling it to argue that Kashmir was an integral part of India.26 As the US aligned itself with Pakistan, the Soviet Union moved closer to India and in 1955, the Soviet leadership accepted India’s position on Kashmir.

The inability to obtain a solution to the Kashmir problem through UN Pakistan’s policymakers led to seek other methods to achieve that goal. One such option was bilateralism that had been used in a limited way in the past. An opportunity to make use of this option developed in the aftermath of the Sino-Indian border conflict of October 1962, when the UK and US persuaded India and Pakistan to initiate a bilateral dialogue on Kashmir. But the dialogue was inconclusive because of a wide discrepancy in the perspectives of the two countries.27 Pakistan demanded the implementation of the UN Resolutions, while India maintained that Kashmir was a part of its integral territory by virtue of the instrument of accession signed between the ruler of Kashmir and the Indian government in October 1947.

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In 1965, perturbed by an India’s effort to integrate IJK in the Indian Union, Pakistan adopted military methods to secure a favourable solution of the Kashmir conflict. Its first military encounter with India conducted in April 1965. The underlying assumption was that as their activities built pressure on the Indian authorities in IJK, the people of IJK would rise up against them. This gamble did not evoke the desired uprising, escalating instead into the first full-fledged war between India and Pakistan (6-23 September 1965). The war proved inconclusive and both sides continued to maintain control of their respective parts of Kashmir. The Soviet mediated Indo-Pak Peace agreement signed at Tashkent in January 1966. But the Kashmir issue remained stalemated, although Pakistan raised it at the global level from time to time asking the UN to implement its resolutions on Kashmir by holding a plebiscite in Jammu and Kashmir. Pakistan’s military debacle in the 1971 Indo-Pak war and the break-up of Pakistan clearly demonstrated that Pakistan’s military option did not help its position on Kashmir. This also adversely affected Pakistan’s ability to pursue the diplomatic option on Kashmir.

Through Simla Agreement (2 July 1972) Pakistan first time made a definite commitment to pursue the Kashmir issue at bilateral level. India interpreted this to mean that Indo-Pak issues could be discussed only at the bilateral level. Pakistan, however, rejected this interpretation and argued that if a solution was not evolved through bilateral means, it could seek other recognised methods of peaceful resolution of disputes, although the preference would be for the bilateral approach. Since then Pakistan has continued to assert that it can pursue all the internationally recognised means of amicable settlement of conflicts if the Kashmir problem is not settled at the bilateral level.

Kashmir was pushed to the periphery of Indo-Pak relations during 1972-1989 as Pakistan had to cope with the negative diplomatic and economic fallout of the 1971 Indo-Pak war and the country’s dismemberment.

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29  Rizvi, no. 20, p.140.
Kashmir returned to the main foreign policy agenda of Pakistan in late 1989, after the outbreak of insurgency in IJK. Pakistan's support of these militant Islamic groups in their participation in the insurgency in IJK increased tensions in Indo-Pak relations. Several official and unofficial attempts were made in the 1990s to defuse tensions between Pakistan and India and improve their relations but these attempts did not materialise mainly because of the ongoing civil strife in IJK.  

Against the backdrop of troubled relations with India, especially because of the Kashmir problem, the assignment of the highest priority to external defense contributed to strengthening the position of the military in Pakistan. The military shaped up as a major actor in policy making on security and foreign affairs and in October 1958 assumed power by overthrowing the civilian government. Since then the military has overthrown civilian/constitutional governments in March 1969, July 1977 and October 1999. This has enabled the military to have a firm grip on foreign and security policies, especially Pakistan's Kashmir policy and its relations with India. It has maintained a strident approach to Kashmir and India. The civilian governments, whenever these were in office, allowed the military to manage the India and Kashmir policies. The attempts by Benazir Bhutto in 1989 and Nawaz Sharif in 1999 to defuse tension with India did not succeed because the military top brass were not on board.  

**Pakistan's Kashmir Policy**

The Kashmir issue is articulated by Pakistan with reference to its national identity. Pakistan describes it as integral to the process that led to the establishment of Pakistan. The underlying assumption of Pakistan's demand was that the adjacent Muslim-majority areas would constitute Pakistan. As Kashmir was a predominantly Muslim area and thus it should have joined Pakistan. The major Muslim groups in the state opposed Maharaja Hari Singh, the ruler of J & K. Therefore, he agreed to sign the

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80 Ibid, p. 141.
81 Ibid, pp. 141-142.
instrument of accession on 27 October 1947 so as to get Indian military support, hoping to save his rule in the face of the revolt against him in parts of Kashmir.

Another factor influencing Pakistan’s policy of Kashmir is the role of Pakistanis of Kashmiri background. They occupy important positions in the bureaucracy, the military and civil society, including political parties. They are the major supporters of the right of the people of Kashmir to decide their political future. They use their political clout to pressure the government of Pakistan to continue supporting this right.

Another assumption of Pakistan is that India took the Kashmir problem to the UN Security Council and accepted the UN resolution for holding a plebiscite in Kashmir to determine if the people of Kashmir wanted to join India or Pakistan. But later India backed out of this commitment. India should honour its commitment is argued by Pakistan.32

Pakistan, in addition to the issues of national identity and the historical process, argues that the state of J & K as it stood in August 1947 had more natural territorial and economic links with Pakistan than with India. Pakistan relies on three rivers for agriculture i.e. the Indus, Jhelum and Chenab. All of them are flowing from Kashmir. It would exercise control over the lifeline of Pakistan’s economy, namely agriculture, if India were to control the whole of Kashmir. Though the Indus Water Treaty (1960) provided a framework for sharing water between India and Pakistan. Yet a serious difference between Pakistan and India on the latter’s decision to construct three dams (Wuller, Baglihar and Kishan Ganga in Kashmir) raise the specter of serious water shortages in Pakistan’s lean water period.

Indian Perspective

Kashmir is India’s most important internal security problem. Throughout the five and a half decades since independence, India has constantly ventured to swing the people of Kashmir on its side. By introducing Article 370

Ibid., pp. 142-43.
in the Indian Constitution, the ruling classes in India agreed to give more autonomy to Kashmir than to other Indian states. Under Article 370, the Indian Parliament cannot legislate on items listed on either the Union or the Concurrent list of powers without the approval of Kashmir Legislative Assembly. Similarly, India constitutionally incorporated its portions of Jammu and Kashmir as a separate Indian state in 1957. Over the years, Kashmir was made a part of India as it went through periodic elections held under the Indian constitution. India, banked on Soviet support at the UN Security Council, to counter the US and later Chinese support to Pakistan. The Soviet vote at the Security Council continued to block any moves towards plebiscite on the Kashmir issue. India also obtained Soviet military assistance through various military cooperation agreements. India signed a 20 year treaty of peace, friendship and cooperation with the Soviet Union in 1971 and ensured Soviet support for its Kashmir politics on a durable basis. The India-Pakistan agreement of Simla signed in 1972, tried to restrict the scope of the Kashmir issue to the bilateral ties between the two countries.\(^3\)

Conventional official thinking in India strenuously denies the centrality of Kashmir in its foreign policy, but it is easily demonstrated. Kashmir was the major operational theater and the main cause in all previous Indo-Pak conflicts as well as several bilateral crises, such as spring 1990 crisis.\(^4\) However, the traditional official belief in India holds that resolving the Kashmir issue will not mitigate Pakistan’s animus towards India. This belief is at odds with Pakistan’s perceptions, which have anointed Kashmir as the “core issue” bedeviling Indo-Pak relations. This belief is shared by the population in India administered Jammu & Kashmir (IJK) and Azad Jammu & Kashmir (AJK).

\(^3\) Rajen Harshe, no. 19, p. 54.
Kashmir has, in fact, been designated a ‘nuclear flash point’ by the US\textsuperscript{35} after India and Pakistan conducted their reciprocal nuclear tests in May 1998.

India has always regarded Kashmir as its indissoluble part. Just as Pakistan aimed at integrating Kashmir due to its predominantly Muslim population, India aimed at integrating Kashmir due to strengthen its secular foundations and image. For India the strategic importance of Kashmir increased with the passage of time. Naturally, losing control over Kashmir has always been out of the question as far as India is concerned. Indeed if the right of self-determination is conceded to the people of Kashmir, it might inspire several other states, especially those in the northeast, to demand the same right. Also the very social fabric of India might be destroyed if Kashmir becomes independent, owing to the spiral of communal tensions such a development is likely to generate.\textsuperscript{36}

Now the moot question of this discussion is – How does the present political dispensation, namely the Congress-dominated United Progressive Alliance (UPA) government view these issues? Its Common Minimum Programme (CMP) states:

“The UPA government is pledged to respecting the letter and spirit of Article 370 of the Constitution that accords a special status of Jammu and Kashmir (J & K). Dialogue with all groups and with different shades of opinion in J & K will be pursued on a sustained basis, in consultation with the democratically elected state government. The healing touch policy pursued by the state government will be fully supported and an economic and humanitarian thrust provided to it. The

\textsuperscript{35} “Remarks by President Clinton and President Narayanan in an Exchange of Toasts”. Press Release by Rashtrapati Bhawan, 21 March 2000, \url{http://Clinton4.nara.gov/New/SouthAsia/Speeches/2000032/2.html}.

\textsuperscript{36} Harshe, no. 19, p. 55.
state will be given every assistance to rebuild its infrastructure quickly.”

On its approach to Pakistan, the CMP boldly notes, “Dialogue with Pakistan on all issues will be pursued systematically and on a sustained basis”. The Congress manifesto of 2004 had elaborated, “It has always advocated formal and informal talks on the basis of the historic Simla Agreement of 1972. At the same time, the Congress is firm in its view that Pakistan’s sponsorship of cross-border terrorism must end completely”.

These expressions do not markedly differ from those made by the earlier governments, except in their genuflection to the Simla Agreement negotiated by Indira Gandhi with Zulfiqar Ali Bhutto. They reflect the broad consensus existing within India and IJK that any solution to the Kashmir imbroglio must be sought through dialogue with Pakistan but must require the latter to cease supporting cross-border terrorism for an enabling atmosphere to be created.

India’s Kashmir Policy

Broadly evaluated, the UPA was initially averse to negotiating the Kashmir issue with Pakistan. Since this contradicted its constant reiteration that the princely state of Kashmir had legally acceded to India, hence there was nothing left to negotiate. However, it later reconsidered its position and continued the negotiations initiated by the NDA government, reflecting a bipartisan approach. Elections have been successfully held in IJK. Hence both the Indian and IJK governments have argued that the IJK population supports the state’s accession to India. Undoubtedly, there are nuances in the policies pursued by the two governments. The NDA’s approach to Pakistan

17 Kashmir Times (Jammu), 28 October 2002.
19 http://www.congress.org.in.
and the militancy in Kashmir was more aggressive. It was in favour of attacking militant training camps across the Line of Control (LOC).\footnote{Ibid., p. 120.}

Incidentally, the NDA coalition was politically at odds with the Congress-dominated Progressive Democratic Party (PDP) government in Srinagar. This is no longer the case with the Congress-led UPA coming to power in New Delhi. The significance of this political development cannot be underestimated, since the governments in Srinagar and New Delhi are now able to evolve common policies to negotiate with Pakistan and deal with the unrest in IJK. However, the challenge before New Delhi arises from the need to accommodate the militant groups, apart from the parties in power, and opposition in Srinagar within a dialogue. The modality adopted by the NDA and UPA governments has been to appoint interlocutors to negotiate with all those interested in reaching a solution to the Kashmir imbroglio. These efforts are continuing in a desultory manner with regular replacement of interlocutors. N.N. Vohra was appointed in February 2003 as the NDA’s interlocutor.\footnote{“Kashmir Committee suspends J & K Peace Talks”, \textit{Indian Express}, 24 February 2003.} Vohra is continuing as the interlocutor of the UPA government for the present. It is difficult to account for these changes in New Delhi’s interlocutors, especially when they are believed to have been provided with no clear negotiating mandate. Little progress can be expected unless New Delhi provides the interlocutors with a clear mandate on what demands can be conceded and what is non-negotiable.

\section*{Resolving the Kashmir Conflict}

Among the conflicts that attracted the attention of both insiders as well as outsiders, the India-Pakistan conflict over Kashmir is viewed as the most important. With the intensification of the Kashmir’s freedom struggle and the accompanying human rights violations by India since 1989, the Kashmir conflict has indeed been the focal point of discussions and Conflict Resolution approaches all over the world. Efforts to resolve this conflict are being made
at official, bilateral and multilateral levels. However, this does not mean that peace efforts are concentrated only on the Kashmir conflict to the exclusion of other conflicts. Various types of peace efforts cover the entire conflict spectrum of South Asia with special focus on the Indo-Pak conflict over Kashmir.  

Conflict Resolution is not really a new phenomenon between India and Pakistan. Since the hurried departure of the British from South Asia and the partition of the Indian sub-continent, both India and Pakistan have signed many agreements aimed to generate confidence and reduce tensions. Perhaps the most notable are: Liaquat-Nehru Pact (1951), Indus Water Treaty (1960), Tashkent Agreement (1966), Rann of Kutch agreement (1968), Simla Accord (1972), Salal Dam Agreement (1978) and the establishment of the Joint Commission (1983). With the exception of the Joint Commission, all the others were the products of either a crisis or a war.

The main conflict between India and Pakistan revolves around the Kashmir conflict. Despite the advent of so many CBMs and Conflict Resolution Measures, normalisation still seems somewhat illusive. Since the end of the 1971 Indo-Pak war, many conflict resolution measures have been adopted with a pronounced emphasis on military CBMs. The earliest CBM came immediately after the 1971 war. A ‘hotline’ between the DGMOs (Director General of Military Operations) was established in 1971. The existing CBMs can be grouped into four categories i.e., communicative, transparency, consultation and goodwill measures.

Despite the existence of a long and impressive list of efforts, in the direction of conflict resolution, tensions between the two countries have not really subsided in a meaningful way. But this does not mean that conflict resolution approach have failed to deliver the expected dividends. In fact, India and Pakistan have in the past reached several major bilateral

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12 Ibid., p. 214.
agreements, despite the complexities. Indeed the track record of conflict resolution measures has not been very impressive. However, this does not mean that they have failed to contribute anything towards the desired amelioration of the prevailing atmosphere. The indisputable fact is that since 1972 India and Pakistan have not really fought a full-fledged war. During the crises of 1986-87, 1990 and 2001-2002, the two countries came close to blows but war was averted. Part of the contribution was made by the existing conflict resolution measures indeed.

**The Indus Waters Treaty (1960)**

A substantive conflict resolution between India and Pakistan is the Indus waters treaty mediated by the World Bank that has survived unscathed through recurrent wars and crises. The treaty in effect partitions the Indus basin between India and Pakistan, allowing each country the exclusive use of three of its six major rivers. A permanent Indus Waters Commission was established under the terms of the treaty, which meets annually to share hydrological data and resolve disputes. Significantly, neither country has attacked the other’s river valley projects during hostilities nor despite occasional hiccups has either abrogated the treaty. Kashmiris on both sides are interested in the further development of the Indus river basin to use its waters for irrigation and power generation. They could also be used for navigation. For instance, the construction of a barrage on the Jhelum River below Wullar Lake would raise the water level in the river, permitting its use for river traffic. This would allow greater connectivity downstream of the barrage within IJK and between India and Pakistan. Further exploitation of the Indus basin, based on spatial planning principles could change the socio-
economic profile of the region while serving as a major conflict resolution measure.48


The Agreement on the Prohibition of Attack Against Nuclear Installations and facilities enjoins India and Pakistan to "refrain from undertaking encouraging or participating in, directly or indirectly, any action aimed at causing the destruction of, or damage to, any nuclear installation or facility in the other country".49 Both parties need to inform each other of the coordinates of their nuclear installations and facilities every year. Significantly, the provisions of this agreement have been faithfully observed by both parties and categorised as a nuclear confidence building measure.

Simla Agreement (1972)

This agreement exhorts both India and Pakistan to refrain from hostile propaganda, to take steps to resume communications, to promote travel facilities, to enhance trade and cooperation and to facilitate scientific and cultural exchanges. As regards Kashmir, Simla Agreement envisaged a bilateral heads of government meeting, preceded by an earlier meeting of their representatives, to "discuss further the modalities and arrangements for ... a final settlement of Jammu and Kashmir".50 Several factors stalled the implementation of the Simla Agreement. Notably a delay caused by differences in interpreting Article 4, dealing with the disengagement of forces, which did not specify whether the withdrawals from across the international border and delineation of the LOC would be simultaneous or independent operations. Moreover, some outposts in the Tangdhar valley had changed hands after the cease-fire, and the Thako Chak segment lay partly athwart the international border and partly across the LOC. Both situations led to...

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19 Ibid., pp. 254-255.
differences in interpreting the provisions of Article 4 requiring further negotiations, compounding the delay in proceeding with delineating the LOC. Further delays occurred thereafter due to issues surrounding repatriating the prisoners of the 1971 war, explosive of a ‘peaceful nuclear device’ by India in 1974; Pakistan’s reverting to hostile statements and raising the Kashmir issue in international forums and the Soviet invasion of Afghanistan which altered the contours of South Asian security and politics. Indira Gandhi and Zulfiqar Ali Bhutto, the Simla Agreement’s architects, also encountered internal political difficulties in proceeding toward a ‘final settlement’ by converting the LOC into an international border, as they had privately agreed in Simla. Dialogue and negotiations between designated officials continued but came to nothing and Indo-Pak relations resumed their familiar pattern of tensions and conflicts.

The Road to Lahore

India and Pakistan’s reciprocal nuclear tests in May 1998 transformed Indo-Pak relations with profound implications for the Kashmir issue. International pressure to stabilize the nuclearized situation in South Asia persuaded Prime Minister Vajpayee to embark on his “bus diplomacy” to Pakistan in February 1999 and seek a modus vivendi. An intense diplomatic engagement between the foreign secretaries of the two countries preceded Vajpayee’s visit. They met in October 1998 and defined their national positions in “non-Popers”, so as to chart a road map for further negotiations. This included an agreement on advance notification of ballistic missile tests, cooperation in multilateral forums to promote nuclear disarmament and improvement of existing conflict resolution efforts. All of these found a place in
the Memorandum of Understanding (MOU) accompanying the Lahore Declaration. Several other proposals were included in MOU to increase nuclear CBMs.54

Therefore, in the recent past Gujral and Vajpayee’s governments of India had adopted a set of measure in the direction of conflict resolutions. Lahore Declaration of 1997, Vajpayee’s visit to Minar-e-Pakistan (built to commemorate the Lahore Declaration of 1940 seeking creation of Pak) and “bus-diplomacy” were directed towards the goal of conflict resolution efforts. These steps were significant for resolving the conflict but became victims of prejudice, hate and mistrust and in place of goodwill and friendly relations earned Kargil war from Pak side in 1999.55

The Agra Summit (2001)

Having moved to the brink of war, the two countries once again had to step back to make peace and a new start to resolve their differences. July 2001 Agra Summit is a testimony to this fact.56 Vajpayee’s invitation issued to Musharraf on May 25, 2001 suggesting a Summit meeting in Agra was wholly unexpected. It ended in disaster, since it was not preceded by any consultations or even an agenda. But still a hope existed in India that back-channel diplomacy would ensure the meeting’s success based on the personal chemistry that Vajpayee would establish with Musharraf. Once the two leaders agreed to the broad outlines of an agreement, a joint declaration was drawn up but could not be announced. “Pakistan’s attempt to accord centrality to the Kashmir issue and the smuggle in the plebiscite concept by urging the need to ascertain the will of the people and India’s efforts to incorporate the need for moderating cross-border terrorism ensured the Summits failure to produce a joint statement”.57 The failure of the Summit led

54 P. R. Chari, no. 40, pp. 123-124.
56 Ibid.
57 Chari, no. 40, p. 124.
to great disappointment in India. The bitterness increased after the terrorist attacks on the J & K legislative assembly building in October 2001 and the Parliament House in New Delhi in December 2001, leading to a yearlong border confrontation between the two countries over 2001-2002.

**Post-2003 Peace and Conflict Resolution Process: A New Phase**

The new developments provided space for a new chapter of Conflict Resolution Measures between the two-nieghbouring countries.\(^58\) Prime Minister Vajpayee’s offer of his “hand of friendship” to Pakistan on 18 April 2003, symbolically made in Srinagar marked the genesis of the most recent and ongoing conflict resolution and peace process.\(^59\) Vajpayee in Parliament said, “We are committed to the improvement of relations with Pakistan, and are willing to grasp every opportunity for doing so. However, we have repeatedly expressed the need to create a conducive atmosphere for a sustained dialogue, which necessarily requires an end to cross border terrorism and the dismantling of its infrastructure”.\(^60\) Thereafter, India returned its high commissioner to Islamabad restored civil aviation links (withdrawn and disrupted respectively during the 2001-2002 border confrontation crisis),\(^61\) resumed the Delhi-Lahore bus service,\(^62\) and offered to restore sports engagements, especially cricket.\(^63\) Pakistan, thereafter, banned three militant groups, including the notorious Jaish-e-Mohammad (JeM) and offered a cease-fire along the LOC in Kashmir,\(^64\) later extended to

\(^{58}\) Narayan, no. 55, p. 212.


\(^{61}\) “India to Appoint High Commissioner, Restore Air Links to Pakistan”, *Hindu*, 3 May 2003.


the Siachen glacier.\textsuperscript{65} Therefore, for the first time in the history of relations between the two countries Pakistan initiated cease-fire and it has been in place since November 26, 2003.\textsuperscript{66} This cease-fire is holding up and constitutes the single most important military Confidence Building Measure after the Kargil conflict and the border confrontation crisis. Despite Pakistan’s protest, that fencing the LOC would imbue the “temporary” LOC with a semblance of permanency, India has fenced the LOC to check cross-border infiltration. Subsequently, the two countries also exchanged a series of Confidence Building Measure proposals.\textsuperscript{67}

The conflict resolution and peace process received a fillip with an agreement reached by the two leaderships in Islamabad (January 2004) to “commence the process of the composite dialogue in February 2004”,\textsuperscript{68} which had been initiated in 1997 but later abandoned. The issues included in the composite dialogue are Kashmir, Peace and Security, Siachen, the Wuller barrage and Tulbul Navigation Project, Sir Creek, terrorism and drug trafficking, economic and commercial cooperation, and the promotion of friendly exchanges in various fields.\textsuperscript{69} Undoubtedly, the most important aspect of the composite dialogue revolves around the ongoing Kashmir conflict.

\textbf{Foreign Secretaries Meeting, June 2004}

As the ongoing Kashmir conflict is the most important aspect of the composite dialogue. A preliminary discussion between the two Foreign Secretaries had taken place at New Delhi on 27-28 June 2004. At the time,


\textsuperscript{66} Narayan, no. 55, p. 212.

\textsuperscript{67} P. R. Chari, “Conventional CBMs and Arms Control”, in Pervaiz Iqbal Cheema and Imtiaz H. Bukhari, \textit{Arms Race and Nuclear Developments in South Asia} (Islamabad: Asia Printers, 2004), pp. 189-190.

\textsuperscript{68} The text of the India-Pakistan Joint Press Statement, Islamabad, 6 January 2004 and also in \textit{Peace and Conflict} (IPCS Publication), 7, no. 2, p. 58.

the Pakistani Foreign Secretary expressed in no uncertain terms that Pakistan would discuss the Kashmir conflict with great sincerity and seriousness. The Indian side also advanced somewhat similar assurances.

There was a detailed exchange of views on the ongoing Kashmir conflict and the two Foreign Secretaries agreed to continue with their ‘sustained and serious dialogue to find a feasible and final solution’. The talks were held in a very constructive and positive atmosphere and both sides expressed their ‘satisfaction’ with the progress of the dialogue process. This was the first time since January 1994 that the Kashmir conflict was subjected to a serious dialogue. Reportedly, the Indians proposed that the line of control (LOC) be converted into a line of peace and tranquillity and the cease-fire that has been in place for the last seven months be further strengthened. Pakistan on the other hand, stressed the need for a plebiscite in Kashmir. In addition, the Pakistanis referred not only to the incumbent tranquillity that has been in place especially along the LOC but also to the fencing of large portions of the LOC as ‘illegal’.70

Some seventy-one new conflict resolution measures were suggested thereafter for Pakistan’s consideration by India during their foreign ministers meeting in September 2004.71 These comprising a mixed bag of military CBMs, political measures, communication links, people to people contacts and increased economic cooperation. They included an agreement on peace and tranquillity along the LOC, opening the Srinagar-Muzaffarabad and Jammu-Sialkot routes and permitting cross-LOC trade and people-to-people contact through identified checkpoints. These CBMs may seem inconsequential, but their negotiation would induce a positive change in Indo-Pakistan relations.

71 “India’s 72 proposals to Pakistan”, Times of India, 3 September 2004.
Srinagar-Muzaffarabad Bus (2005)

The reopening of the Srinagar-Muzaffarabad road in April 2005 is the most significant CBM. This could be the precursor for establishing several more road links across the LOC in Kashmir. The two countries agreed to start a bus service between Srinagar and Muzaffarabad from 7 April 2005 onwards after holding long discussions. After this a road link between Lahore and Amritsar and a rail link between Munabao and Khokrapar have been established. The latter link is of special importance, since it shortens the distances between Sind in Pakistan and Rajasthan and Gujarat in India. The devastating earthquake that ravaged UK and, more largely, AJK has united both countries and communities living on both sides of the LOC in joint efforts to provide relief to the affected population. Five border crossings were also opened between the two for permitting separated families to meet each other.

To sum up, the foregoing analysis makes clear that the history of India-Pakistan interactions has witnessed serious attempts to reconcile their differences. Since the initiation of the ongoing peace process, hopes were raised for the early resolution of the Kashmir conflict. But the result is mixed. The Indus Water Treaty, and the Non-attack Agreement have endured. The Simla Agreement kept the peace for over one decade and has continued relevance for the ongoing conflict resolution measures. But the Lahore Declaration fell by the wayside. Therefore, despite the efforts made by both the governments towards the conflict resolution, the conflict has not been resolved permanently. There can be number of reasons for this checkered history. Perhaps the time was not ripe. But still it was expected that if both sides move beyond the strategies they have been pursuing for the last so many decades, it appears that this conflict can be resulted in a positive outcome i.e. towards permanent resolution of the conflict. But unless both

72 Chari, no. 40, p. 126.
countries feel convinced, that they are in a win-win situation, conflict resolution efforts will only reveal an unpredictable record.

Moreover, facts as analysed suggest that the relationship between the two countries is yet to come out from the legacy of communal antagonism, mistrust, suspicion and insecurity. Mindset of Pakistan has still not changed and the game of a snake-ladder continues. The intervention of other vested elements has further complicated the situation. But the compulsion arising out of the latest nuclear positions of both the countries requires a more serious thinking in terms of their relationship. According to experts long-range missiles possessed by the two countries constitute the single greatest threat to the region. The time taken by a missile to travel between the two countries is the shortest among the nuclear powers ... four to six minutes. Another ominous fact is that India and Pakistan lack the technology that allows for the recall of missiles once they are fired.\textsuperscript{75} Therefore, one can only hope for a new turn in place of a snake-ladder game between the two countries but the history suggests otherwise.