Chapter–IV

Problems and Prospects
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Last decade of twentieth century has witnessed paradigmatic shift in international politics and foreign relations of the states. As a result, theories of liberalism and neoliberalism have challenged the realist and neorealist conception about the behaviour of states. These are of the view that anarchic and insecurity born out of state centric view no longer affects behaviour of states, rather trends of globalisation and interdependence are likely to transform nature of global politics.¹ This global transformation in international relations has changed the traditional view of security and has seriously affected understanding about South Asian security. On the one hand, the growing advantage of regional integration in other parts of the world has compelled India and Pakistan to reduce their tensions and enhance cooperation; and, on other hand, it has manifested that situation in South Asia is ripe for rivalry and heading towards instability. Thus, historical legacy of rivalry, continuation of conflict on different problems, weakness of institutional arrangements, disunity of their political and economic structures, existence of incipient arms race etc. not only likely to threaten security of the region, but also reduces the benefits of regional integration.² Thus, the story of India-Pakistan relations has been a long series of discord, conflict and mutual distrust. For creating such a scenario numerous variables have played their significant role. Some of these variables are quite perceptible, such as relating to their size, economic, human resource-base, military strength, geographical position etc. while others are intangible, relating to the past history, national interests, identity, image, status of conflicts, objectives and ideological legacy.³ The
relationship of these forces provides an appropriate focus to understand their divergent attitudes towards various issues.

Rivalry between India and Pakistan is more than half century old and shows no signs of long-term resolution in near future. Besides, their rivalry has been punctuated by four full scale wars and numerous interstate crises. Theories of foreign policy and international relations offer limited clues as to why this rivalry has sustained for so long time. This might have been due to their unsettled territorial issues, political incompatibility, irreconcilable position of national identity and lack of trade and economic relations between them. The stasis has also been attributed due to lack of suitable external or internal shocks that might have worked as a means for change. However, the main cause of such enduring rivalry seems to be the inability of the two parties to agree on a mutually acceptable settlement over the disposition of the state of Jammu and Kashmir. Both countries were born in conflict, because the partition of the subcontinent did not fully settle the distribution of territory. Another reason might have been contends regarding national identities and religious belief. As a result, they continue to compete with each other over such contraries situations. Pakistan’s non-secular, Islamic and authoritarian identity and India’s secular and democratic identity seems to be key to the endurance of their rivalries.

In the relations of India and Pakistan deep hostility continues to shadow positive development. Armed forces of both used to confront across a lengthy and unstable border, reflects mutual mistrust. Increasing terrorist activities and nuclearisation of both the states have added another dangerous dimension in
their relationship. That is why both countries are maintaining largest armed forces in the world. Besides, the region is facing a wide range of internal security threats, such as sectarian and ethnic violence; communal strife; insurgent movements; and, socio-economic and environmental problems. This scenario stands in sharp contrast to the emerging world trends of de-escalation of tension and rapprochement between nations. South Asia, thus, defies the logic of cooperation. Therefore, conflict prevention and resolution is foremost priority for this region. However, India-Pakistan relations never witnessed the trajectory of constant retrogression; rather it revealed a mixed patchwork of growth and backwardness. They have been seriously involved in working out rapprochement on all problems. Though, all efforts to solve the problems failed, yet some issues simply moved towards resolution.

There always exists a continuity and change in the India-Pakistan relations, as they are based on hatred, bitterness, rivalry and sense of animosity. The beginning of CBMs has raised a ray of hope for the two countries to amicably resolve their problems. The changes in the attitude of political leadership of both countries may facilitate this process. Even people-to-people contacts may have some influence in solving their long awaited problems. Though, lots of positive factors are there to strengthen the peace process, yet it would be unrealistic to imagine that all is well and that the process is irreversible. Despite, these positive developments some irritants are yet to be resolved. Success of these CBMs is dependent on how both of them are able to resolve following outstanding issues, which are working as serious roadblocks in their relationship.
1. Kashmir Problem

The biggest irritant in the peace process has been the problem of Kashmir.\textsuperscript{11} It has serious bearings on the relations of India and Pakistan. Kashmir issue occupied prominent position in their relations since the partition of Indian sub-continent. It became all the more complex since accession of state of Jammu and Kashmir to India and partial capture of its territory by Pakistan through attack by its army in the guise of tribalmen. Pakistan claimed Kashmir as part of its territory on the ground that it was a Muslim majority state, but this was unacceptable to secular India, which did not recognise the two-nation theory.\textsuperscript{12} On the part of India the question of Kashmir was not just retaining a small part of its territory; but it impinged on the very fundamental character of the Indian state and culture. That is why, it has been rightly observed by Josef Korbel, member of UN Commission on India and Pakistan, that:

\begin{quote}
The real cause of all the bitterness and bloodshed, all the venomed speech, the recalcitrance and the suspicion that have characterised the Kashmir dispute is the uncompromising and perhaps uncompromisable struggle of two way of life, two concepts of political organisation, two scales of values, two spiritual attitudes, that find themselves locked in deadly conflict in which Kashmir has become both symbol and battleground.\textsuperscript{13}
\end{quote}

Kashmir encapsulates in a microcosm all the historical irritations between India-Pakistan and has defied all solutions. Though formally Jammu and Kashmir accessed to India on 27 October 1947, yet it continue to remain central issue around which Pakistan’s relations with India revolved. No government in Pakistan has been able to exclude this question from its national
agenda. Thus, no other dispute has taken much significance in the bilateral relations as the question of Kashmir.

The dispute over Kashmir becomes a primary source of conflict between the two after they came into existence as independence nations. Their Kashmir policies are diverse, hence impeded to resolve the issue. Pakistan’s policy has been centered on the 47 resolution of UN Security Council dated 21 April 1948 and is in favour of plebiscite in Kashmir. India had also accepted plebiscite after the withdrawal of Pakistan’s troops in this region. India was willing to abide by the outcome of a plebiscite, if appropriate objective conditions were created. Since Pakistan did not withdraw its forces hence plebiscite could not be operationalized. In 1956, Indian government made it clear to international community, as well as to Pakistan, that since the circumstances in Kashmir had changed so Kashmir’s accession to India had become a settle fact. Now India concerns Kashmir as permanent part of its territory.

Though Pakistan’s constant harping on the issue of plebiscite is not liked by India, yet it cannot refrained the former from raising this issue in international forums. Now this issue became more complex and tricky with the passage of time. It is because Pakistan considers this the problem as an incomplete agenda of the partition and pressing for the execution of the UN resolutions. As a result, it continues to provide moral and diplomatic support to Kashmiris fighting for their right to self-determination. However, such policy of Pakistan has three fold lacunae. First, the territory to be negotiated may not include Northern Areas like Hunza, Nagar, Baltistan and Gilgit, which were part of the princely state of Jammu and Kashmir at the time.
of partition of India. Second, the people of Kashmir will exercise their right to self-determination only to decide Kashmir’s succession to either Pakistan or India. They do not have the right to freedom. Last, the term Kashmiri is not clearly defined as to whether it includes the territory of entire Jammu and Kashmir State or denotes only the people from the Kashmir valley.

India considers the succession of Kashmir to India as inclusive, legal and unquestionable. Considering Kashmir’s accession to India as a non-issue, India’s policy always remained centre towards resolution of domestic concerns like: isolation of the people, problem of unemployment, bad governance, cross-border terrorism, and destiny of the exiled Kashmiri Pundits etc.\textsuperscript{18} Consequently, Indian Parliament in 1994 passed resolution which clearly declared that whole of Jammu and Kashmir as an essential part of India. The then Indian Prime Minister A.B. Vajpayee in his Independence Day address on 15 August, 2002 had also acknowledged this fact when he observed that, “We wish to state that Jammu and Kashmir is an integral part of India. It will remain so...for us Kashmir is not a piece of land; it is test case of \textit{sarvadharmasadbhava}-secularism. India has always stood at the test of secularism. Jammu and Kashmir is living example of this”.\textsuperscript{19} Further, India also emphasised to resolve all disputes including Kashmir bilaterally through dialogue as per Shimla Agreement 1972 and Lahore Declaration 1999, because UN resolutions have become inoperable in changed international milieu. Thus, India claim is based on legal and ground realities; where as Pakistan’s claim is based on communal and popular slogans. Hence, two divergent perspectives have prevented India and Pakistan to resolve their differences for decades. Over the past
few years both have endeavoured to draw various autonomy proposals for Kashmir and appointed interlocutors to hold talks with the Kashmiri groups, but with little success.

Since their inception both India and Pakistan had made various efforts to resolve the disputes, but all were in vain due to their divergence perceptions and policies. Although, many rounds of negotiations were held between the two, yet there has not been much progress about Kashmir issue. Considering the controversial character of the Kashmir problem, India thought of approaching the problem in a steady manner and awaits formation of favourable environment through improvement on other fronts. But Pakistan desires progress on Kashmir in a time framework and has reverted to its old argument of Kashmir first and then everything else. Musharraf made this clear in a speech delivered at the National Defence College in Islamabad on 28 June 2002 that the “strategic weapons” (nuclear) and “Kashmir cause” are the “two core interests” (national interests) of Pakistan and that his government would never compromise on national interests.

With the Vajpayee’s peace process initiatives in 2003, a new beginning to negotiate with Pakistan on the basis of ‘Composite Dialogue’ has been made to settle all disputes including Kashmir issue. As a result, Pakistan also made paradigm shift in its Kashmir policy. On 18 December 2003, Pervez Musharraf offered to drop a fifty year old demand for a UN mandated plebiscite in Jammu and Kashmir. In his significant statement Musharraf said that “The long-standing Pakistani demand for a plebiscite in Kashmir could be dropped. We pledged on UN Security Council Resolutions but now we have left that aside. If we want to resolve
this issue, both sides need to talk to each others with flexibility. We are prepared to rise to the occasion; India has to be flexible also". In January 2004, on the side line of SAARC Summit at Islamabad, both sides welcomed the steps towards the normalisation and reaffirmed their commitments to peaceful settlement of all bilateral issues including Jammu and Kashmir to the satisfaction of both countries. However, in this discussion no concrete progress were made, yet the conversations were regarded by both countries as good first step, useful, positive and concrete.

On 25 October 2004, President Pervez Musharraf made a proposal suggesting division of both sides of Kashmir in to “five regions”, demilitarising them and granting them either independence or placing them under joint control of India-Pakistan or UN mandate. For this he suggested four point formulas, which was further elaborated by him in his book “In the Line of Fire”, which suggests:

First, he said to identify the geographic region of Kashmir. At present Indian side of Kashmir is divided in to three regions i.e. Jammu, Ladakh and Srinagar, where as the Pakistani part is divided in to two regions i.e. Northern Areas and Azad Kashmir. Pervez Musharraf anticipated that the management of entire Kashmir in to five different regions. According to him three of these are under the control of India, while the remaining two are with Pakistan.

Second, to establish self governance in these recognised regions is required. Allow the Kashmiris have to the satisfaction on
management of their own matter without having an international character.\textsuperscript{29}

Third, to demilitarise these regions and restrain all militant aspect to resist for independence is desired. This will give comfort to the people, who are fed with fighting and killing on both sides of Kashmir.\textsuperscript{30}

Last, to establish a joint management mechanism including Indians, Pakistani and Kashmiris people to overseeing self governance and dealing with outstanding subjects common to all identified and those subjects that are beyond the scope of self-determination.\textsuperscript{31}

India had out rightly rejected this proposal because it is full of contradictions. India considered it as unrealistic as it was based on ethnic, religious and geographical considerations.\textsuperscript{32} In this context, Prime Minister Manmohan Singh declared that, “I have made it clear that I could not change the borders, nor could I divide the state on the basis of religion. I have no such mandate from the nations. Within these limit we are ready look into any proposal, but it has always remained India’s official policy that boundaries cannot be redrawn in any cost, but they can be made irrelevant”.\textsuperscript{33} He further elaborated that there can be no question of divisions or fresh partitions, but the LoC can become a line of peace with a free flow of ideas, services and goods.\textsuperscript{34} In January 2006, Pakistan formally offered Musharraf’s “out-of-the-box” proposal on self-governance and demilitarisation of Kashmir, which India disposed of saying that New Delhi required to be more ambitious than demilitarising just three cities of Kashmir and counter-proposed to make the LoC as a Line of Friendship.
Besides, India out rightly discarded proposal of self-governance on Indian side and suggested that Northern Areas and POK require self-governance.\textsuperscript{35}

Later on 24 March 2006, India took a diplomatic and political initiative towards the solution of the Kashmir issue.\textsuperscript{36} Prime Minister Manmohan Singh gave two suggestions in this regard: First, both sides should begin a dialogue with the people in their areas of control “to improve the quality of governance” and provide people on both sides “a greater chance of leading a life of dignity and self-respect”. Second, both should encourage the “two parts of Kashmir” to “work out cooperative, consultative mechanisms so as to maximise the gains of cooperation in solving problems of economic and social development of the region”.\textsuperscript{37} These mechanisms are visualized to provide the only practical way of making border irrelevant while keeping integral the de jure sovereignty of India and Pakistan over the territories they have controlled.

Besides, above suggestions efforts to improve the ground situation through CBMs have been made. The operationalisation of bus services and enforcement of ceasefires along International border, LoC and AGPL are important steps to diffuse tension and create condition for peace, cooperation and people-to-people contact.\textsuperscript{38} Thus, since peace initiatives in 2003, the CBMs to some extent have tried to demolish myths on both sides. Earlier, it Indian discourse has been harping on how backward, underdeveloped and controlled PoK is, then Pakistan’s propaganda was planned to draw more and more jihadis and to keep alive the unfinished agenda motto, have been remained centre around to spread false propaganda on both sides.\textsuperscript{39} But the
process of CBMs has helped the people to know the realities in a better manner. Lack of proper implementation of these CBMs may create some doubts in the mind of people about the potential of these methods. Besides, continuous ceasefire violations along LoC added further misconception about them. These ceasefire violations have changed the lives of people on the ground on both sides of LoC. Story of Kashmir, thus, has been marked by vicissitudes, conflicting differences and misunderstanding manifested by violence.

Now the question arises: what is the proper solution of Kashmir problem? In this context, the then Indian Prime Minister Atal Behari Vajpayee has rightly remarked that, “In our search for a lasting solution to the Kashmir problem, both in its external and internal dimensions, we shall not traverse on the beaten track of the past. Rather, we shall be bold and innovative designers of a future architecture of peace and prosperity for the entire South Asian region”. Hence, an innovative approach is needed to resolve this crisis. But before some new proposals are put-forward, there is need to evaluate earlier suggestions given by both the states. These suggestions are as:

First, acknowledging the current LoC in Jammu and Kashmir as the international border, thereby stabilising the condition and then allowing regular interaction among the people of both sides of Kashmir.

Second, UN Resolution should be revived in changed scenario leading to a plebiscite.

Third, working out a new standstill arrangement should be made, placing the territory of the state under some UN trusteeship.
mechanism to be followed a few years later by a plebiscite for ascertaining the view of the people there.\textsuperscript{45}

Fourth, India and Pakistan should reject their claim and jurisdiction over Jammu and Kashmir and make it an independent state.

Lastly, to accept “Chenab formula” by which river Chenab is made international border with the Kashmir valley and some Muslim-majority districts of Jammu division going to Pakistan, while rest of Jammu division and Ladakh region become part of India.\textsuperscript{46}

But fact is that most of these proposals are bound to generate opposition on one count or the other. Therefore, permanent division of Jammu and Kashmir among India and Pakistan along LoC, with some minor adjustments if needed, seems to be the only practical and realistic proposal. Historically speaking there have been at least three occasions on which there seems to have been a near agreement between top leaders of both countries that CFL with some modifications could be converted into an international border.\textsuperscript{47} During Jawaharlal Nehru’s regime in 1955, 1962 and 1963, the top leaders of both countries have agreed to a division of Kashmir along the CFL with some minor adjustments. In 1972 Prime Minister Indira Gandhi and Zulfiqar Ali Bhutto, too, seem to have arrived at an understanding that the converting the LoC into international border was the only way out of Kashmir issue.\textsuperscript{48} But, unfortunately these plans did not translate into an agreement.

Even today, there are some basic reasons why LoC be converted into international border. Because, it is difficult to solve Kashmir issue on the basis of absolute victory, through use of
forces or diplomacy, is not possible either for Pakistan or India. Moreover, apart from displacing enormous populations, the rewriting of boundaries in this region, may lead to vast communal clashes, bloodier than those during the partition of Indian sub-continent. Additionally, present LoC corresponds, more or less, to a large ethnic-linguistic partition of the former princely state. Lastly, the two parts of Kashmir have lived for more than half a century as a part of India and Pakistan controlled territories. Though they may have grievances against their respective leaderships, yet there has been a cumulative procedure of integration, which depends upon how the existing economic and communication links can be done away without causing a tremendous upheaval.

Thus, India-Pakistan engagements require patience and goodwill among them. Hostile relations for over a half century cannot disappear overnight. Therefore, to reduce trust deficit and Pakistan’s intentions remain a crucial issue for India. Hence, J.N. Dixit has rightly observed that:

The Ministry of External Affairs basically had three tasks to perform in relation to problems resulting from Jammu and Kashmir. The first was to prevent the operational or institutional internationalisation of the issue. The second task was to present Indian perceptions and the Indian case on Kashmir to the international community at the bilateral level as well as international fora, such as the UN. The third task was to interact with the Home Ministry and the Government of Jammu and Kashmir in order to keep them informed of international attitudes and reactions developing and to get authentic information so as to reinforce the Indian case internationally.

For this Indian Government needs to continue with both its pro-active approach to counter-terrorism and peaceful dialogue
with political leaders.\textsuperscript{53} In this regard, both states have to adopt a
give and take formula to negotiate and keep themselves engaged
in positive dialogue. It is because issue of Kashmir cannot be
determined by military means only. Besides, India and Pakistan
have to introspect about frustrations of their citizens, who live in a
region of paramount strategic and security attention of both the
states. It can be overcome only by stimulating the basis of
democratic values and political dialogue by all accessible means.
India must also have the patience and grit to counter all Pakistani
efforts aimed at disrupting the political processes.\textsuperscript{54}

In short, the difficulties in the way of resolving the Kashmir
problem are enormous and it may continue to remain a flash point
for a considerable period. Hence, both states need to invest to
reduce trust deficit between them. However, for resolution of
Kashmir imbroglio need is also to have realization in Pakistan
abetting terrorism across the border.

2. Terrorism Issue

In the post-cold war world order non-traditional threats
have acquired significance. Out of numerous non-traditional
threats, terrorism stands the utmost prominently. South Asian
region is not an exception to this phenomenon. As a result,
problem of cross-border terrorism acquired an alarming threat to
the peace, security and stability the region of South Asia.\textsuperscript{55} It is
because terrorism in India is directly associated to Pakistan.
Pakistan’s agencies like ISI have been instrumental in the
mobilization and sponsorship of terrorists in the name of Jihad.
Pakistani establishments have also urged these groups to organise
massive terrorist attack at important places in India.\textsuperscript{56} This has
resulted in to creation of fears, killings and attacks on political personalities. At present time, terrorism is also being used as one of the instruments to achieving foreign policy aims and objectives by Pakistan to accomplish its strategy in Kashmir.\textsuperscript{57}

Since President General Zia-ul-Haq’s regime, Pakistan has introduced the menace of cross-border terrorism against India.\textsuperscript{58} This was followed by successive ruling elites of Pakistan. Defeat of Pakistan in hot wars with India, it adopted the strategy of proxy war against India.\textsuperscript{59} Pakistan had some serious ideological differences and major border conflicts with India since its inception, yet after 1971 war, it adopted the policy to disturb and destabilise India. It starts providing training, financial aid and sophisticated weapons to the terrorist to enhance their activities against India.\textsuperscript{60} During the regime of President Musharraf cross-border terrorism was encouraged and terrorists were decorated as freedom fighters. Contributions made by Jihadis to Kashmir’s freedom struggle were appreciated.\textsuperscript{61}

The problem of cross-border terrorism in Kashmir took center stage after Soviet withdrew of its forces from Afghanistan after Geneva accord. As a result, Pakistan was left with large number of unemployed militants with huge stocks of weapons. This coincided with the rising political isolation of the Kashmiri people and growing environment of violence and narcotic drugs among jihadis in Pakistan. Thus, proxy war with India was the only option left with Pakistani administration. These activities were aimed at: To disintegrate the Indian state; to support cover-up operations of Pakistan across border; to subvert state machinery in Kashmir through violence, murder, kidnapping and
highjacking; and to promoted the propaganda machinery to isolate the masses from the mainstream of the Indian political system.\textsuperscript{62}

As a result, Pakistan might have been successful in encouraging cross-border terrorism, but it failed to achieve an inch of land of Kashmir through this aggression. Former Indian Prime Minister Atal Behari Vajpayee has been right when he observed that:

For a long time, the rulers in Islamabad relied on military confrontation, as exemplified by the wars they waged in 1948, 1965, and 1971, to settle this issue in their favour. After failing abjectly in their endeavor, the anti-India forces in Pakistan decided to foment terrorism and religious extremism as the principal means to instigate separatism in our countries. I must say that they are nursing a dangerous delusion. What they could not achieve through open military aggression, they never will achieve through cross-border terrorism. They failed miserably in their evil designs in Punjab. Terrorism bled Punjab; but, in the end, it fled Punjab. It could not dent Hindu-Sikh unity. Similarly, the terrorists and their mentors are doomed to fail in Jammu and Kashmir, too.\textsuperscript{63}

Despite this Pakistan continue to consider terrorism as an outcome of unlawful occupation of Kashmir and unfair policies of the government of India. Consequently, it emphasizes that in order to successfully deal with terrorism, its root cause need to be tackled. But India rejects such allegation of Pakistan and considers terrorism as an anti-state activity. Hence, it is deep-rooted in political objectives and design of states to fulfill their interests. Thus, India’s stand to establish peaceful relations with Pakistan has been to stops cross-border terrorism against India by the latter.\textsuperscript{64} Therefore, basic premises of peace process have been that India will dialogue with Pakistan if it assures that it will not
allow its territory to be used for terrorism. This commitment was agreed upon by leaders of both the states when they met on the sidelines of SAARC Summit in January 2004 at Islamabad. In a joint statement it was agreed that to sustain dialogue process, violence and terrorism need to be prohibited. Simultaneously, Pakistan assured that it will not permit its territory to be used for supporting terrorism in any manner. However, this spirit of preventing the cross-border terrorism did not sustain for long time. Rather the incidence and quantum of violence in India have increased day by day. In the process India became hostage to the peace process. Thus, without Pakistan’s efforts to curtail terrorist activities inside its territory, it was not possible for India to resume dialogue.

Therefore, to counter these terrorist activities has been a huge challenge for both the states. Terrorist’s attacks on Ram Mandir in Ayodhya, serial bomb blasts in capital Delhi, terrorist attack on Indian Institute of Science (IIS) Banglore, bomb blasts in Varansi Temple, serial-bomb blasts in Mumbai’s local train, bomb blasts in Malegaon and Samjhauta Express train clearly show that government of Pakistan was not serious to improve its relations with India. Evidences prove that Pakistan based Jihadi groups such as Lashkar-e-Taiba and Jaish-e-Mohammad are accountable for a series of recent terror strikes in India. Continuously militants are coming from buses and rails running between the two countries. Besides, perceptual differences and trust deficits continue to shadow their bilateral relations. But it is hard fact that friendship and terrorism cannot go hand in hand. Thus, India demanded some concrete and tangible steps by Pakistan and
discontinues its support to such terrorist groups working against India.\textsuperscript{69}

A major initiative in this regard has been taken by them when head of the state of both countries met in Havana, Cuba on 16 September 2006 on the sideline of the Non Alignment Movement (NAM) Summit. Both agreed to constitute a Joint Anti-Terrorism Mechanism (JATM). They agreed to share in formations and to prevent violence and terrorist acts through this mechanism.\textsuperscript{70} But, doubts have been raised about the success of this mechanism. Critics in Pakistan considered it as an Indian strategy to influence dialogue process by making terrorism as a core issue and to sideline the other bilateral issues like Siachen, Sir-Creek and Kashmir. Similarly, in India many experts were of the view that it is a Pakistani trap who itself is sponsor of terrorism. Thus, this mechanism is perceived as a useful instrument to curb the terrorism.

Mumbai terrorist attack on 26 November 2008, however, created serious doubts about the success of above mechanism.\textsuperscript{71} India openly blamed Pakistan about its nexus with terrorist organisations. Though, government of Pakistan denied its involvement, yet it led India to discontinue the composite dialogue process till it is ensured that Pakistani territory will not be allowed to use to launch terrorist attacks against India.\textsuperscript{72} However, later 16 July 2009 during NAM Summit Pakistan formally admitted that the Mumbai attacks were carried out by Lashkar-e-Taiba and mastermind of these attacks was its chief Zakiur Rahman Lakhvi. It has also admitted that Ajmal Kasab, the lone surviving gunman, was a Pakistani citizen. It concurred with the view that terrorism is the main threat to both countries. In a joint statement both
have agreed towards the creation of an institutional anti-terrorism mechanism to identify and implement the counter-terrorism measures and initiatives.\textsuperscript{73}

Pakistan’s response to terrorism continued to be characterised by confusion, lack of national consensus, lack of will and capacity to fight the menace and the consequent creeping surrender of the state to extremists and terrorists. It is difficult to believe that organisations such as the Taliban militia, Tehreek-e-Taliban Pakistan, Quetta Sura and Haqqani Natwark are going to be banned in Pakistan.\textsuperscript{74} Perhaps, having created a Frankenstein monster, Pakistan is now find it difficult to regain control or it has deluded itself into believing that they can be get away with it lightly. Either way, Pakistan is actually set on a course of self-destruction. If this situation persists, the result cannot but be a state of paralysis, greater instability and mounting lawlessness in Pakistan. The failure or success of Pakistan in dealing with this existential threat might impact not only it owns future, but also the stability and security of entire South Asian region.\textsuperscript{75}

Following the Peshawar massacre, the government of Pakistan and military has envisaged a multi-point national action plan against terrorist organisation. It took some positive and comprehensive steps which include the establishment of fast-track anti-terror court, a crackdown on banned organisations, choking their finances, disarming all militia and the regulation of madrassas that indoctrinate them.\textsuperscript{76} There is also an increasing acknowledgement in Pakistan’s civil society that the use of terror as a tool of foreign policy has hurt its cause both internally, as well as externally.\textsuperscript{77} But despite all these actions taken so far, no visible steps have been taken against the groups that India
demanded. Hafiz Saeed remains free to address rallies and speeches at leading institutes in Pakistan, while the master mind of Mumbai terrorist attacks live luxuriously in jail and organising his activities from there.  

Thus, this factor continues to remain as an important irritant in India-Pakistan relations.

Now the question arises: what is the option for India to counter this cross-border terrorism. A renowned Indian scholar Kanti Bajpai, however, suggested three options to counter terrorism. First, India should do to Pakistan what Pakistan has been doing to it for many years and it should encourage internal dissent and violence. This is an attractive option purely at military-strategic level. Second, in contemplating the destabilisation of Pakistan, India must consider whether such actions are compatible with its public and long-standing complaint that Pakistan is a terrorist’s state. Destabilisation of Pakistan is not just a moral issue; it is also an issue of statecraft. Last, India could opt for a much more ambitious set of punitive actions against Pakistan such as conquering and holding a slice of Pakistani territory, a naval blockade and a serious military push into Pakistani Punjab and Sindh. However, all these options looks like military desire at best. Besides, there are great risks involved with small gains in applying these options. There is no doubt that Pakistan sponsors terrorism in India, but it is also a fact that Pakistan is not a weak state as it is also a nuclear power like India.

Thus, cross-border terrorism is serious problem that deserve immediate action from both countries. Need is not only to join hands of both India-Pakistan, but other countries of South Asian region, also need to facilitate the end of such activities.
Peace process cannot succeed, till problem of cross-border terrorism is resolved.

3. Drug Trafficking

Drug traffic is another irritant between India and Pakistan, which has seriously affected peace process between them. Probably this problem began in late 1980s when Pakistan started to collect money from narcotic drug produces for Jihad in Kashmir. At present, sizeable amounts of narcotic drug is being smuggled to border areas in Rajasthan and Punjab. Buses and trains have become the best means of drug trafficking in India. Both states have made efforts to resolve this issue through bilateral talks, but not much success has been attained. Within the framework of composite dialogue process, this issue was taken during first round of secretary level negotiations in August 2004. Discussions demonstrated the willingness of the two countries to tackle drug trafficking and agreed to sign a MoU to institutionalise their collaboration. Both sides also expressed their satisfaction over the increasing cooperation among Narcotics Control Authorities of the two states. In August 2005, the second round of secretary level talks were held to discuss the progress made since the first round and steps which can be taken to eliminate drug trafficking. Third round of negotiations between Home Secretaries were held in May 2006, which praised the progress made by Narcotics Control Bureau (NCB) of India and the Anti Narcotic Force (ANF) of Pakistan. Following the meeting among NCB and ANF, both have decided to jointly address the threat of drug trafficking across the international border and LoC. Later many round of discussions followed and both agreed to continue the composite dialogue process. However, the issue of drug trafficking
has not been resolved completely and continue to influence their relations. Therefore, there is urgency to end this menace for prosperity and development between the two countries.

4. Siachen Problem

Another major irritant, which has affected India-Pakistan peace process, has been the issue of Siachen. The Siachen glacier is considered as the highest and coldest battlefield on the earth and has been an area of conflict between India-Pakistan for over thirty years. India’s claim to Siachen is based on its regular patrolling of the area since 1950. On other hand, Pakistan’s claim is based on its authority to have conducted mountaineering expeditions in the region. This glacier situated between Saltoro and Karakoram ranges and it is 76 kilometres long and varies in width between 2 to 8 kilometers. Due to its strategic location sometime this glacier is also termed as ‘Third Pole’. It is the second largest glacier in Asia, the first being the 77 kilometers long Fedchenko in the Pamirs. At the head of the glacier lies a pass called Indira col. a 5760 meter high point at sea level. It is surrounded by snow covered mountains and the temperature drops routinely to minus 40 degrees centigrade and even lower in winter. It has witnessed numerous causalities due to unfavourable climatic circumstances and rather than military skirmishes. The conflict is also putting a vast financial burden on the national exchequer of both countries. In winter, Siachen glacier is cut off from the rest of the world and impossible to reach but only in summer, troops can reach in this area by helicopters.

Strategic located makes it very important to India as well as Pakistan and China. Because, in the east of the glacier lies Tibet-
Sinkiang road through Aksai Chin and in the north 537 mile-long Karakoram highway is built across the Khunjerab Pass, which gives easy access to the Chinese to reach the Indian Ocean, the Persian Gulf and Africa. If the extension of the Karakoram highway reaches up to Aksai Chin, it will give Pakistan an easy access to the Nubra valley. Such positioning of Pakistan is going to be a great threat not only for India’s security, but it also provides a big challenge to maintain its position in Siachen and Ladakh region. That is why; India is trying to strengthen its hold over the Siachen region. At present, India is in a commanding position and the entire region is completely under its control since 1983. The height of some Indian forward bases on the Saltoro Ridge range from Kumar (16,000 feet), Bila Top (18,600 feet), Pahalwan (20,000 feet) and Indira Col (22,000 feet). On the other hand, Pakistan’s position is comparatively at a lower height in the glacier area, ranging between 9,000-15,000 feet. However, the Siachen glacier is very difficult to access from Pakistani side. From Gilgit to Skardu one has to travel up to the Indus Valley and thence up the river Shyok to Khapalu and thereafter across a series of glaciers. It is little easier to access this glacier from Indian side. A truck from Leh goes all the way up the Nubra Valley to the snout of the glacier only 40 kilometers from the road head at Sasowa.

The roots of the conflict over Siachen lie in the non-demarcations of boundary between India and Pakistan in that area. Originally Siachen was considered to be entirely uncongenial and not worth any conflict on the ground. It is situated on the north and north-eastern side of PoK. The UNCIP with the help of military experts was able to draw a cease-fire line (CFL) up to grid
Point NJ 9842 beyond Kargil near a place called Chalunka, and saying that it runs northwards along the glaciers thereafter. But the Karachi Agreement of July 1949 accepted by India and Pakistan did not cover the area of the glaciers for two reasons. First, non-demarcation of the area was distance of the region and lack of knowledge of the technicalities of delineation at such high altitudes. Second, no demarcation of the region was the approach of both the states. As, on the one hand, Pakistan did not bother much about extending the CFL thinking that the whole of Kashmir would sooner or later be a part of Pakistan. Whereas, India, on the other hand, seems to have thought since there was no fighting in that region, it would continue to remain peaceful and delineation would be done at a later stage when the final decision regarding Kashmir issue takes place. When the CFL was changed into a mutually accepted LoC in October 1972, the prospect of demarcating the LoC in this region was frittered away. According to this agreement, the newly demarcated line ran from the Shyok River west of Thang to Point NJ 9842. Thus, the agreement did not clearly mention that who controlled the region and left an unclear demarcation of the territory. This is the main basis that Pakistan and India have attempted to stake their territorial claims by interpreting the vague language contained in the 1949 and 1972 agreements to confirm their individual points. India draws a north westerly line from NJ 9842 along the watershed line of the Saltoro Range, a southern outcome of the Karakoram Range. Pakistan, on the other hand, thence northwards means from NJ 9842 up to Karakoram Pass.

Before 1984 neither India nor Pakistan had any permanent presence in the region and border in the area remained peaceful.
Even during wars the Siachen glacier region remained more or less unaffected. But a diverse kind of warfare started in the area for two reasons. First, in 1970s and 1980s several international maps had begun to show the Siachen glacier as part of Pakistan. Second, Pakistan started encouraging mountaineers to scale the difficult peaks in the region and permitted them to cross Indian Territory from its sides. Thus, alarmed by the reports of expeditions and publications of wrong maps, policy planners in India took this orographic challenge seriously. Therefore, the beginning of the Siachen dispute in bilateral relation was visible in April 1984, when the Indian army and air force in a joint operation code-named ‘Meghdoot’ was initiated in this area and controlled the key peaks in the region. The operation ‘Meghdoot’ triggered armed clashes between forces of India and Pakistan which eventually led to situation of dispute. The Indian forces climbed to the Saltoro Ridge for a particular military objective. This was to cut of Pakistan access to the region that would enable it to reach the Karakoram Pass and link with China and be able to threaten Ladakh. The Saltoro Ridge provided strategic heights to India to watch into Pak-occupied Gilgit and Baltistan. This unexpected Indian action led to the beginning of a highly expensive altitude military struggle for supremacy in the region. Presently both have stationed a considerable number of troops on the Siachen glacier and spend large sums of resource to maintain their position in this area.

Constant dialogue has assumed to prevent conflict ever since the eruption of hostilities. After the deployment of Indian military in the region, flag meetings, between the sector commanders of both India and Pakistan were held in 1985, but
ended with little success. Later, numerous high-level negotiations have been held between Defense and Foreign Secretaries and the senior military officers of both the countries. But nothing has been achieved. After the fifth round of negotiations between Defense Secretaries of India and Pakistan in June 1989, an understanding was initially reached to resolve the dispute, when both countries have issued a joint statement. Here in principal both agreed to work towards a comprehensive settlement of the dispute. But this accord on the Siachen also ended in fiasco because both the states could not agree on the modalities i.e. demilitarisation first or delimitation of the boundary first.\textsuperscript{100} In November 1992, after the sixth round of the Defense Secretary negotiations, both countries had agreed to create a zone of complete disengagement and mutual withdrawal of troops from key passes to new positions. The agreement also allegedly included assurances by both countries to abstain from reoccupying vacated positions.\textsuperscript{101} Though both seemed to have reached a near agreement, yet the deal was never operationalised because of differences between political leadership.\textsuperscript{102}

Later, during seventh round of negotiations in November 1998 at New Delhi, both anticipated many proposals without any agreement. India projected a package of CBMs which would lead to a comprehensive ceasefire in the Saltoro Range. But Pakistan insisted on to address the question of troop disengagement in the region.\textsuperscript{103} Thus, both states, not only failed to implement these tentative agreements, but also fail to agree on any concrete agreement.

With the beginning of peace process both resumed negotiations at the Defence Secretary level in 2004 after a gap of
six years. They again agreed to discuss the modalities for disengagement and redeployment of troops in this region.\textsuperscript{104} As a result, ninth round of talks between the defence secretaries took place in May 2005, in which both states agree to continue the ceasefire in the region.\textsuperscript{105} Later on Manmohan Singh visited Siachen Glacier. While addressing the troops he remarked that, “The time has come that we make efforts that this battlefield is converted into a peace mountain but he added, however, that there could be no redrawing of boundaries for reasons of security and prestige”.\textsuperscript{106} The then Northern area Commander Lieutenant General M.L. Chibber also admitted that “the strategic importance of the area was not a major consideration, nor was our purpose to capture any territory. It was simple to ensure that we were not presented with a fait accompli like that in Aksai Chin in early fifties”.\textsuperscript{107}

Later in March 2006, when Prime Minister Manmohan Singh had offered a ‘treaty of peace, friendship and security’\textsuperscript{108} to Pakistan also hinted that the dispute over the Siachen glacier can be resolved soon. Simultaneously, Pakistan also claimed that discussions to demilitarize the Siachen region have reached in its final stage.\textsuperscript{109} But no final agreement was reached because of mutual suspicion. Even today, both have not reached a single draft agreement about the Siachen Glacier. Discussions are on to finalise the modalities for the confirmation of the present troop positions, which may pave the way for the demilitarisation of the world’s highest battleground.\textsuperscript{110} It is assessed that government of India is considering an impulsive withdrawal of forces from the Siachen glacier region as part of a deal for demilitarisation of this area.\textsuperscript{111} In May 2006 dialogue did not materialise because
Pakistan was no longer interested in demarcating the actual ground position line. Thus, demarcating of AGPL and demilitarisation of Siachen has not been done by both the countries.

On the occasion of death of 138 Pakistani soldiers on 7 April 2012, Pakistan’s Army General Ashfaque Kayani rightly observed that both sides are paying a high price in blood, treasure and environmental costs. He also viewed that defence without development is neither viable nor acceptable. He emphasised that Siachen dispute can be taken as an imperative starting point. India also manifested its willingness for mutual pullback and redeployment of troops to agreed positions in case Pakistan acknowledges the present AGPL.

Siachen issue can be considered as a major step to building trust and confidence among India-Pakistan if both sides agree to formalise it through a MoU. This can be accompanied by a Helsinki-type political agreement that either state will not modify borders by use of force and will forever spirit of Simla Agreement. A solution to the Siachen is essential in terms of financial, ecological and controlling of waste in this region. Thus, resolution of Siachen conflict can play significant role in eliminating the distrust between India and Pakistan.

5. Sir Creek Problem

Sir Creek is a sixty-mile-long strip of disputed water area between the two countries in the Rann of Kutch marshlands, which divides the Indian state of Gujarat with the Sind province of Pakistan. The region is important for the local fisher folk. The dispute over Sir Creek can be traced back to the pre-independence
period, i.e., around 1908, when a dispute arisen between the rulers of Sindh and Kutch over a pile of firewood lying on the banks of a creek dividing the two principalities. The dispute was taken up by the government of Bombay state and way resolved in 1914. According to this verdict, the Kori Creek had a part of Sind province. The name of Kori Creek changed in to Sir Creek after the British representative who was requested to mediate in a dispute among the rulers of Kutch and Sindh. After partition, Kutch remained a part of India while Sindh became the part of Pakistan. This is the reason that Pakistan has claimed entire creek as per Bombay Government Resolution of 1914 signed between the then rulers of Kutch and Sindh provinces. India, on the other hand, sticks to its position that the boundary lies in mid-channel as described in another map drawn in 1925 and executed by the installation of mid-channel pillars back in 1924. Thus, the dispute lies in the interpretation of boundary line between Sindh and Kutch as described in 1914 and 1925 maps.

Prior to 1965, the region remained peaceful, undisputed and nothing significant happened. After the armed clashes between India and Pakistan in 1965, Pakistan claimed that half of the Rann along 24 parallel was the territory of Pakistani, but India opposed it and said that the boundary ran approximately alongside the northern edge of the Rann. Following the dispute, it was referred to international tribunal for arbitration which established Indo-Pakistani Western Boundary Case Tribunal. The Tribunal declared its Award on 19 February 1968, upholding 90 percent of India’s claim to the entire Rann, granting only 10 percent to Pakistan. But unfortunately, the Tribunal still left the
boundary of the Sir Creek un-demarcated because India and Pakistan had agreed not to refer this part of the un-demarcated boundary for arbitration to the tribunal. As a result, this aspect was not taken into consideration. Presently, main reason of conflict has been weather the boundary lays on its east bank, as Pakistan claims or on the middle of the Sir Creek as India considers?122

Many rounds of negotiations have been held between them in recent years to settle the dispute in an amicable manner. Both sides have shown some seriousness in settling the issue to escape the United Nations Convention on Laws of the Sea (UNCLOS), which declares the region as international waters if the two states fail to establish their claims for particular maritime zones.123 Following the resumption of peace process, technical level dialogues on Sir Creek were held on December 2006 and the decision was taken to hold a joint survey in the Sir Creek by both countries to ascertain their respective claims.124 The survey took place in January 2007 in which the ships of the two navies participated. The two surveys covered the land as well as the coast, to verify the outermost points of the coastlines in the disputed area, on the method of equidistance.125 After the completion of joint survey, officials on both sides noted that there has been a convergence among both the states on the demarcation of the boundary in the area. But due to their different interpretation about this region, both the countries remained silent regarding demarcation of the border.

Besides, UN is also silent on the prolonged dispute among Pakistan and India, even after the expiry of the deadline in May 2009 which was fixed by this body in 1982. The deadline for the
antagonist countries to determine this dispute harmoniously was set with a warning that after the expiry of the time limit the disputed area of sea would alter into international waters. But till today both failed to resolve this issue. As a result, fishermen of both states are in serious trouble as they are frequently detained by both countries and put into jails and their boats are impounded. Though both states have agreed to hold further negotiations, yet solution of this major problem seems to be elusive. The reported presence of oil and natural gas in this region has rendered this area of geo-economically and strategically significance which has added complexly to the solution. Now the question arises: what is the appropriate solution of this issue? The most realistic solution seems to divide the Creek along the midpoint line in accordance with International Law. However, considering the political climate in the two countries at the present, it is perhaps best to maintain the status quo and hope that both may resolve this dispute in an atmosphere of compromise and not hold delimitation of the maritime boundary hostage to the Sir Creek issue.

6. Water Dispute

India and Pakistan totally depend on snow fed rivers that originate in the Himalayas. The Indus and its tributaries are the major source of water that provide irrigation facilities for the fertile and densely populated region of Punjab on both sides of the border. The line of partition of the Indian subcontinent cut across the Indus river system, leading to the disruption of well established irrigation systems. This led to a serious of disputes linked to the Indus and its tributaries. After the partition both tried to settle the issue bilaterally but no enduring agreement was
reached until the World Bank got involved as a mediating entity. After a long discussion of nine years, both have signed an agreement in 1960 with the assistance of World Bank, known as Indus Water Treaty (IWT). As per this agreement three eastern rivers—Sutlej, Ravi and Beas—were allocated to India; and three western rivers—Indus, Chenab and Jhelum—were allocated to Pakistan. India was not allowed to build storages on the rivers allocated to Pakistan, except to a very limited extent. Besides, a permanent Indus Commission consisting of a commissioner each for India and Pakistan was also set up to look out the matter regarding annual inspection, exchange of reports, resolution of differences and the proper implementation of this treaty. It is regarded as a successful example of conflict-resolution among the two states that have otherwise been locked in conflict. This treaty remained in place despite the four wars between them and Indus Commission continued to meet even when the political relations among the two states were extremely bad. The water dispute between India-Pakistan arises after 1970, when India planned to build certain dams on the western rivers.

The western rivers Indus and its tributaries pass through Jammu and Kashmir, which are in dispute between India and Pakistan. The disputes are not about water sharing, but about certain engineering and design features of Indian projects on the western rivers. Pakistan always questioned Indian projects on western rivers only to halt their progress. It is apprehensive that through these projects India may acquire a measure of control over the waters of the western rivers.

Major project facing some onslaughts are: Salal Dam, Tulbul Navigation Project/Wullar Barrage, Baglihar and
Kishanganga Hydroelectric Project etc. which need serious investigation.

(I) Salal Dam

After the conclusion of Indus Water Treaty, first water dispute between the two have arisen over the construction of Salal Dam, a 480 MW hydro power project by India on the Chenab River in Jammu. In this context, India submitted its plan to Permanent Indus Commission for Pakistan’s approval in 1968. But, Pakistan lodged an official objection on the grounds that the design of the dam did not match to the criteria envisaged in the treaty and it can be used to store water and dry up the downstream rivers and canals in Pakistan. It could also be used for flooding Pakistan. As a result, India agreed to change the design. Later on, dispute has been resolved through bilateral negotiations by signing Salal Dam agreement in April 1978.

(II) Tulbul Navigation Project/Wullar Barrage

It is the oldest water dispute between India and Pakistan. Nature of the dispute has been so complex that even both states disagreed even on the name of this dispute. Pakistan refers it as Wullar Barrage, whereas India calls it Tulbul Navigation Project. India started Tulbul Navigation project in 1984 by building a 439 feet long and 40 feet wide barrage at the mouth of Wullar Lake on the river Jhelum in Kashmir. Pakistan questioned this project and argued that India construction of storage dam is violation of IWT, which prohibits both states from undertaking any man-made obstruction that may cause change in the volume of the daily flow of waters. On the contrary, India argued that it is made for navigational purposes and to impound water for the Uri hydro
power plant. It is not violation of treaty since controlling the water for navigation is permissible under the IWT. On other hand Pakistan insists that the existing water level in the Wullar Lake is enough for navigation.\textsuperscript{137} Many rounds of negotiations were held between them to settle the issue but much success could not be attained.

This issue again came for discussion with the resumption of secretary level talks in July 2004. Here the issue has been examined in light of the IWT provisions.\textsuperscript{138} But negotiations failed to achieve any breakthrough. Similar result was repeated during dialogues between the two countries in June 2006\textsuperscript{139} and August 2007. Thus, after many rounds of negotiations issue remained unresolved.

\textbf{(III) Baglihar Hydroelectric Project}

Baglihar project was launched by India’s in 1992 on river Chenab. As per IWT provisions India provided requisite informations to Pakistan. Pakistan did not raise any discomfort about the project.\textsuperscript{140} The entire project was divided into two phases, each of 450 MWs of electricity capacity and it is a run-of-the-river hydroelectric project.\textsuperscript{141} The dispute arose only in May 1999, when Pakistan objected to its design and alleged that India did not supply it the requisite technical details of the project. Pakistan felt that Baglihar project will stop the flow of water into its river.\textsuperscript{142} India, on other hand, clarified that it is a run-of-the-river project and is not in violation of the Indus Water Treaty. It seems that Pakistani concerns were partly about water sharing and partly about security aspects. However, Pakistan’s security
fears seemed to be misconceived, as India cannot flood Pakistan without flooding itself first.143

An important development took place in 2002, when India extended the installed capacity of the dam from 450 MW to 900 MW.144 Following this a special meeting of Indus Water Permanent Commission was held in February 2003 at Islamabad on the request of Pakistan.145 But both were unable to reach any agreement. Later in October 2003 three member technical expert’s team of Pakistan participated in the talks. Pakistan gave India an ultimatum to stop work on the dam by 31 December 2003; otherwise it will be forced to approach the World Bank.146 This situation continued during the January 2004 as well.

On 18 January 2005, Pakistan formally lodged a petition with the World Bank seeking the appointment of an Neutral Expert (NE) under Indus Water Treaty as per article IX (2)(a).147 India criticised Pakistan’s move and termed it as premature because differences could have been sorted out bilaterally. For the first time, in the history of Indus Water Treaty the clause of neutral expert was invoked. In May 2005, after the conversation with both the governments WB appointed Raymond Lafitte, a Swiss civil engineer, as neutral expert.148 He was asked to formulate a verdict on the disparity among India and Pakistan regarding the construction of Baglihar project. Both states agreed that the judgment of NE will be final and binding.

The issues which were to be resolved by NE included: calculation of ‘firm power’; extent of ‘pondage’; artificially rising the water level; daily variations in water flows; replacement of the crest of the spillway gates; and, water intake for the plant.149 In
February 2007 Raymond Lafitte gave his final verdict and matter was amicably settled.\textsuperscript{150} The essence of the verdict was that the Treaty should take in account new knowledge about sediment management, i.e., modern dams should be able to flush sediments through low-level gates. As a result, design of the Baglihar dam was acceptable. It has provided India with a green signal to build these projects with as much live storage as they chose and as long as they classified it as ‘for sediment flushing’.\textsuperscript{151} Thus, issue got settled through NE and the findings given by NE were very important because it may provide a strong basis for future cases.

(IV) Kishanganga Hydroelectric Project

Kishanganga is a tributary that flows into the Jhelum near Nowshera close to Muzaffarabad in PoK. The Kishanganga River rises near Gurez and flows through Jammu and Kashmir and then crosses the LoC (now renamed Neelum) before joining the Jhelum near Muzaffarabad (PoK).\textsuperscript{152} The 330 MW hydro power project is located into Baramulla in Jammu and Kashmir on the river of Kishanganga or Neelum and this project envisages a 75 meter high concrete dam at Gurez and diverts some flows of water through a 22 kilometer tunnel bored into the mountain into the Bunar Madumati Nullah.\textsuperscript{153} India informed Pakistan about this project in 1994 and conveyed that inter-tributary transfer is allowed under the Indus Water Treaty. Like other’s projects of India, this project was also objected by Pakistan. Its objections were based on the ground that the water cannot be transferred into the same tributary and it is likely to have adverse effects on Pakistan’s project on Jhelum River. As a result, Pakistan’s power generation capacity as well as its irrigation system will be affected. Because of these objections India offered a revised plan in 2006
and it agreed to convert the storage and power generation project into a run-of-the-river project and construct pondage in accordance with IWT.¹⁵⁴

But it did not satisfy Pakistan and the latter wanted India to stop construction and resolved the issue through bilateral talks. If this was not done, then Pakistan would be forced to approach International Court of Arbitration (ICA). Pakistan also blamed that India is with holding its water share. When both failed to resolve it through negotiations, Islamabad appealed to ICA in 2010. This case involved two elements: one was India within its rights to build the project? and, two, was India able to insert low gates? In its preliminary hearing on 14 January 2011 at Hague, Pakistan sought an early decision before the construction work reached at an irreversible stage.¹⁵⁵ In February 2013, Permanent Court of Arbitration (PCA) gave an interim verdict on Kishanganga dispute which authorised India to go ahead with the project. It also allowed India to divert water from one tributary of the Jhelum to another.¹⁵⁶ Finally on 20 December 2013, PCA gave the final verdict which re-calibrates and modernises the IWT and, again made it an effective instrument to avoid conflicts between India and Pakistan on the use of river of Indus Basin. The judgment by the PCA categorically allowed India not only to develop hydroelectric projects on Chenab and Jhelum, but also to strictly respect the IWT-defined limits on manipulable storage and construction of low gates to flush silt.¹⁵⁷ The PCA has also added a new clause namely environmental flow (e-flow) in the Treaty, which was missing in the original IWT. However, provision of review of the e-flow determination after seven years has been prescribed.
After this verdict case was resolved as the judgment of PCA was final and binding and not appealable. Following this India is allowed to go ahead with the Kishanganga project with some modification to accommodate a minimum flow of 9 cumec (cubic metres per second). Pakistan invoked the arbitration clause twice, but in either cases India’s claims were established. It had to make only some minor changes. However, both were happy with the outcome due to their own diverse reasons. India has more reasons to be satisfied than Pakistan.

Thus, some major water disputes have been resolved but some lighter issues continue to work in India-Pakistan relations. Need of the hour for both the states are to resolve their disputes through dialogue rather than third party mediation. Hence both should come to the negotiating table for a dialogue, discussion and debate within the framework of Indus Water Treaty to thrash out outstanding disputes.

7. Soft Borders

The soft borders with free movement finally making boundaries irrelevant, a formulation general Pervez Musharraf has articulated, has been a issue of debate between these two neighbours. The vital area of apprehension is that if borders are softening then whether it will promote terrorism or tourism. The making of soft border, on the one hand, can facilitate infiltration by the terrorists from across the border. As a result, linkages between fundamentalist organisations and underworld mafia may create problem of political stability in the region along borders on both sides. Besides, doubts about Musharraf’s sincerity were always doubtful. On the other hand, its positive outcome can be
enhanced people-to-people contact that can work as constituents of peace in these respective countries.

Promotion of soft border approach is likely to have significance implications for their bilateral ties. Three fold scenarios may unfold as a result of this process. First, the Kashmiris in India once travel to PoK, after visualizing pitiable condition their counterparts may decide to live with India rather than to an uncertain Pakistan. Second, there may be resurgence in Kashmiri sub-nationalism which may lead to a demand for independence from both countries. Finally, there is also the possibility that once the LoC softens the demand for succession to Pakistan may gain strength. The need for peace and normalisation in the relations definitely does not mean that everything is smooth and fine in their relations. Besides, one should not miscalculate the substance of the people’s movement in favour of peace. In any case, one can ignore the right-wing anti-India lobby inside Pakistan at one’s own peril.

Besides, above issues some other issues are also working as irritant in peace process between the two countries. Major problem for the success of peace process has been the identification of stake-holders. The process still requires the institutional support to make it really irreversible. The sincerity and assurance of the people who are in favour of peace is still not above question. There are only a few people in India and Pakistan, who know what is really happening behind the scenes. Neither the politicians nor the bureaucrats have any real stake in the process. It is because they have not been taken in confidence to any considerable amount in order to develop a consensus among them or at least prepare them for some kind of an agreement. However,
everyone except those in the circle is left thinking as to what the parameters and restrictions of an ultimate deal will be. Besides, rumor is normally inside the traditional paradigm of what comprises an adequate resolution to Kashmir issue. There are very few people outside the innermost sphere of decision-making who are capable to sense that there is perhaps a shift in the paradigm itself. The former explore the opportunity completely different and pioneering solutions, while the latter attach to the old method. This is a major disconnect in the thinking of influential sections of the Pakistani establishment, which could ultimately even sound the death knell of the peace process. But bridging this disconnect constitutes a great problem, because the stage has still not been reached to public discussion where all the options are under consideration. While, on the one hand, there is a lot to be said in favour of quiet and back-channel diplomacy that attempts to set up a roadmap adequate to both countries before it is put before the public. On the other hand, diplomacy behind closed doors stimulates rumor and propaganda about what is really under consideration. A popular and strong leadership can manage this gap through smart political strategy.

Role of military and ISI in Pakistan have also created uncertain scenario affecting bilateral ties between the two countries. The political deadlock between the government and the military had put a question mark on the stability and longevity of the democratic political system in Pakistan. Prevalence of non-democratic structure having significant input of military and ISI have prevented the smooth relations between India and Pakistan.

These problems have slowed down the progress of CBMs between the two countries. There has not been much improvement
in the domestic environment of Pakistan. Besides, trust deficit continue to remain present between both countries. The delay in reopening the consulates at Mumbai and Karachi show that there is something wrong in their relations. Similarly much has not been done on the liberalisation of the visa regime. In a majority of cases visas are granted only to those who have relatives or friends with a verifiable address. Any person irrespective of the status, intending to visit either India or Pakistan for the first time, depends upon the mercy of the intelligence agencies for approval.\textsuperscript{164} If both sides are serious about promotion of people-to-people contacts, a liberalised visa regime is must.

For resolving these problems and establishment of enduring peace, a concerted attempt has to be made by both countries. The Secretary level negotiations cannot do much to break the deadlock. The attention should be towards the encouragement of people-to-people contacts, which may eventually promote good neighbourly relations. Continuing blockade mentality, fuelled by bitter historical memories, deep rooted narrow-mindedness and enduring suspicion, is major political instrument for fanning public passion in the hands of those decision makers with a vested concern in persistent hostilities. The radical politicians and strategy holders on both sides defame the dialogue process and encourage rival images.\textsuperscript{165} As a remedy to this core groups, with basic common interests, need to be acknowledged to expand the scope of discourse. These can include scientists, engineers, lawyers, students, scholars, educationalists, environmentalists, agriculturists, business communities and financial experts. The peace-building strategies can be formulated only through an inclusive and sustained talk among groups representing the civil
societies in both countries. The initiatives taken by these groups must essentially serve as evolution grounds for new ideas and fresh approaches rather than a mini version of official policy postures.166

For this, some specific measures have to be taken to give impetus to the peace process. The steps should include:

1. **People-to-People Contacts**

   More people-to-people contacts are required to be encouraged because it is very supportive to remove suspicion and create a friendly environment for discussion. Though both states have started this process by running of buses and trains, yet they need additional confidence because it is not so easy to remove misperceptions created by the political parties. People who have never visited each other’s country can experience the realities on their own. To scatter myths regarding each others, there is a need of mechanism to facilitate such visits.167 More visits by the people are likely to do away with misunderstanding about each other.

2. **Moderate Visa Policy**

   At present, very restrictive visa policy is working between the two countries as only one visa section is working in the high commissions of India and Pakistan. Even consulate generals in Karachi and Mumbai did not open despite such announcement. There is urgent need to open new visa facilities at Hyderabad and Sukkur for catering the needs of the people of Southern India and interior Sindh respectively.168 Presently many restrictions prevent the citizens to visits each other’s destinations. Besides, citizens have to report to the police station at the time of their arrival and
departure. This practice is nowhere in the world and should be given up.

3. Promotion of Academic Activities

Promotion of academic activities and interaction among public institutions need to be encouraged. The level of institutional interaction among India-Pakistan is almost negligible. To institutionalising the academic linkages between the higher bodies and think tank of both countries need is to have more and more conferences, seminars and interactions. Through these scholars of India and Pakistan will understand each other’s point of view. Similarly, joint publications by the scholars of the two countries should be encouraged. National institutions of higher learning in both the countries should provided generous assistance for organising such activities. This is likely to encourage free flow of information and ideas which may rectify distorted perceptions prevalent in both states since inception. Besides, new groups of scholars, diplomats, civil servants, journalists, engineers and scientists, will be available who are committed to the idea of harmony and reconciliation between the two countries. Regular contact of these groups can bridge the institutional vacuum is likely to reduce hostility and hatred.

4. Establishment of Effective Trade Links

There is a need to promote effective trade linkage between India and Pakistan, because economic inter-dependence between them provide huge potentially for such activities. Promotion of trade links can create the constituencies of peace. In this context, it has been rightly observed by a scholar that, “As bilateral trade expands and both economies progressively
integrate and as the benefits become larger and more evident, policy makers will become aware of the importance of sustaining and further consolidating bilateral economic and political ties. As political ties improve the level of bilateral tension and mutual suspicion may subside...it may prompt both governments to start channelling resources away from their bloated defence establishments to their acutely neglected social, infrastructural and other developmental spheres”.171

Because of contiguous borders goods from each other can reach their destinations in a very short span. Moreover, with common life styles product of each other can be easily consumed. Despite this advantageous position trade between the two countries has been negligible in the past. Both have failed to utilise the benefit of cheap production, less expensive and shorter delivery time. But, illegal trade, through cross-border smuggling, and trade through third countries, like Dubai and Singapore, was very much visible. 172 This was resulted into loss of huge revenues by both countries. Hence, there is urgency for establishing Business Councils by both countries in Mumbai and Karachi. Now after joining of the WTO, it became imperative for both of them to grant MFN status to each other. Though India has granted MFN status to Pakistan, yet Islamabad is delaying the inevitable for political reasons.173 In 2011, in-principle Pakistan had decided to accord MFN status to India as early as possible, but the promise remained unfulfilled till date.174 This MFN treatment ensures nondiscriminatory trading terms among WTO members. It guarantees that if favorable tariff rates are given to one trading partner, then all other member countries will receive the same terms.175 Pakistan domestic constraints and slow economic growth
are mainly responsible for not granting MFN status to India. The main concerns expressed by agriculture sector, auto engineering industry and pharmaceutical industry that if India will allow non-discriminatory market access to the Pakistani market, then these sectors cannot compete with Indian products, which are three times cheaper than Pakistan’s.

In the larger context, economic integration and transnational interactions has become a reality, which may compel both countries toward their rapprochement. The business community in the two countries need to build a business forum for joint collaboration. In this context, SAARC can also play an important role by promoting trade, manufacture and service sectors of the two states. Joint ventures in multiple areas can strengthen their bilateral economic relations. These steps might facilitate to increase long-term stakes with each other’s economies. These business initiatives are not only going to reduce hostility, but are likely to facilitate their regular trade. It can provide a platform for addressing mutual apprehensions and objections. More country specific trade fairs can be organised in the important cities of both countries to boost such cooperation. Once normal trade is resumed, business community on both sides may pressurise their respective governments to normalise their bilateral relations.

5. Promotion of Cultural and Sports

The cultural interactions can also work as precondition to the proper implementation of the CBMs between the two states. It is because both possesses greater degree of similar in their cultures, languages, dresses, weathers, festivities and traditions,
which can work as cementing force despite their diplomatic differences. For instance, if Indian artists and movies are very popular in Pakistan; likewise Pakistani artists are also liked by Indian people. Lots of restrictions on screening their programmes in both the countries, by vested interests and fundamentalist forces, prevented the growth of common cultural. These restrictions on cultural programmes require to be lifted for the enhancement of friendship and cooperative environment between them. Besides, cultural exchanges programmes should be encouraged. That is why it has been rightly observed that, “Music lovers in Pakistan have said, in a public performance by Lata Mangeshkar in the city of Lahore may be more helpful to promote goodwill than the outcome of talks between the two Foreign Secretaries in Islamabad.” Despite all the political differences, the citizens of both countries want strong interconnected with each other.

Besides, above mechanisms peace process can be further boosted through sports activities. Though most of the sports prevailed between India and Pakistan is common, yet cricket is a passion for them. It has received a special treatment from the people and administration in these countries. Cricket had proved to be an important tie between them and the people of the both nations usually used to meet on the cricket grounds and stadiums even in the bitter days of their history. Thus, Cricket can also be used to cultivate friendship among the people and leaders of two countries.

6. Proper Use of Technology
Use of existing technologies for mutual advantage might help to encourage trust and confidence-building between India and Pakistan. Both can share technologies in the areas of weather forecasting, water management and river pollution. Besides, the two countries can also share informations on climate and natural resources and can collaborate intimately to prevent environmental degradation in the subcontinent. Both the states can also use contemporary technologies to monitor the international border and to check the drug trafficking. It will have its impact on the narco-terrorism, which is a serious threat for the entire South Asian subcontinent. Moreover, these technologies can helpful to monitor the maritime borders, which will eliminate the straying of fisherman.

7. Removal the Historical distortion

Peace process can move further only, when distortion of narration to glorify a particular spiritual community will stop. This has not only given biased informations but also enhanced hatred among the societies. Instead, the common history, socio-cultural heritage and religious tolerance should be highlighted to facilitate a spirit of mutual respect. Two countries have a common past and are running in the same boat of underdeveloped world. Muslims in Pakistan consider that Britishers took charge from them; hence they are true occupier of the land. But they have forgotten pre-historic era where Muslims were also considered as foreigners who came as traders, merchants and attackers and took control of the region from the hands of the Hindus and Buddhists. Both also blame each other for all the annihilation and devastation caused at the time of partition of India and foiled to realise that the similar confrontations were found on both sides.
Thus, the history is distorted to make their own personalities as heroes and blaming others for all the bad things which has happened in the past. These informations were planted to create hatred and violence. As a result, incidents of demolishing of Babri Masjid in India and destruction of many Hindu temples in Pakistan took place.\textsuperscript{185}

Similarly there is no shortage of instances in history about the mutual accommodative approach of both communities. But due to biased description of the past in the history books of both the countries present false and prejudiced image of a nation, which had serious bearings on the young minds when they grow up.\textsuperscript{186} Students, who are exposed merely to textbooks, learn and believe whatever is taught in educational institutions. In order to raise patriotism and making people proud of their history, there is a need to rewrite and update the schools syllabus with appropriate eliminations of wrong aspects and addition of realities in proper perspective.

\textbf{8. Improve the Role of Media}

Media can also play an important role in opinion building in both countries. It is desirable that interaction between English and vernacular press be encouraged and prints and electronic media should refrain from the hate propaganda and misinformation. It is because prints and electronic media increases the anxieties and play a negative role in building relationships among India and Pakistan.\textsuperscript{187} The television and newspapers in both countries expose selected people with subjective facts and stories, which are favourable for their system. For instance, the elevating of terrorism as Jihad had done a
serious impact on the bilateral ties of two states. Hence, media need to act in a responsible manner and try to present unbiased and honest reporting of events and situations. Coverage’s should be followed by reasonable discussion.\textsuperscript{188} Thus, media should present a positive image of the opponent, so that old mistrust and hostility can be rectified.

Besides, impact of vernacular press cannot be over looked as it much larger readership and significant capacity to influence public perceptions. If it remains prejudiced and nationalistic, it is bound to create antagonistic images. It is also viewed the Indian vernacular press had little impact on people’s mindset because it covers foreign policy issue in a very sketching manner. On the other hand, the Urdu press in Pakistan plays a vital and influential role as it covers domestic and foreign policy matters in an equal proportion. Better cross-border contact and initiation of internal dialogue process, it the basic prerequisite to rectify such media biases. Objective media coverage can promote healthy public perception which can facilitate road to peace. It can do away with images of the enemy, and pessimism among the people of two states.\textsuperscript{189}

9. Removal of Religious Hatred

Religion has played a negative role in India-Pakistan harmonious relationship. The root cause of this is based in the partition of Indian subcontinent. If religion becomes the basis of a country then it is bound to create violence against minorities in other part. Since their inception, secular identification of India has made Pakistan cautious of its anti-India campaign because the former rejected two-nation theory enunciated by the latter. This
has not only radicalised Pakistani society, but has also affected their normal relations. Thus, these kinds of practice must be stopped, so that the process of CBMs between India and Pakistan can be enhanced.

10. Establishing the Military Contact

The establishment of communication between the militaries of two countries is also necessary for the improvement of standard procedures for non-escalation and the resolution of the problems of LoC. Both have taken many military CBMs, but never attempted to be strategic partners because of trust deficit between them. The military of both countries have been engaged in joint exercises with many countries of the world, but they never collaborate with each other. This collaboration never materialized due to lack of confidence, and mutual apprehensions, not only between the armies of the two states, but also between common people of both the states. Even military diplomacy as an instrument for peace-building has not been utilized by them. Both states have been apprehensive about possible military contact. Their existing mechanisms are not adequate. Armies of both states need to discuss such issues like force levels, arms race, nuclear and missile deployment, nuclear doctrine and command and control measures. Both need to address issues related to security and safety of the civilian nuclear reactors. Transparency need to be maintained at the level of military expenditures. Informations regarding force deployment, and convening of military exercises be given in advance. Thus, military cooperation between them may provide a platform for increasing confidence and greater understanding.
11. Establish Parliament-to-Parliament Link

For better understanding among political elite of the two countries parliament-to-parliament contact can be the best method. For this growth of democratic institution in Pakistan is a must and presently chance of emergence of civilian political leadership seems to be bright in Pakistan. Members of legislatures can promote such conditionalities only if they are allowed to have discussion on bilateral problems. Therefore, the members of legislature bodies of each state should interact with each others, as they can capitalize their influence to shape positive approaches on outstanding disputes. This inter-parliamentary contact may provide constructive environment for official negotiations.

12. Belief in Pacific Settlement of Disputes

It is essential that disputes between them be settled through pacific means. As Kashmir is a major dispute among India and Pakistan; but other disputes should not remain appendage to this problem. If both are interesting to solution their disputes both should address the issue directly rather than attaching other disputes to this issue. Instead of going for international arbitration mediation through third party, both can rely on mechanism of bilateralism as agreed in the Simla Agreement.\textsuperscript{191} Success of bilateralism is evident from numerous military CBMs both have taken since last few years.\textsuperscript{192} At least these CBMs have contributed to the non-escalation of major conflict between them.\textsuperscript{193} The internationalisation of the Kashmir dispute has not contributed towards the resolution of this problem.

13. Engagement to Counter Terrorism
Terrorism has become a global problem and has seriously affected India-Pakistan relations. Hence resolution of this is inevitable to bring their relations on rail. Though both have established a JATM, yet it is just an additional institutional mechanism without much actual action. Its task to thwart the terrorist activities across the LoC has been negligible. It is because it required the coordinated and organise actions of various agencies such as military and paramilitary forces, political leadership, intelligence network etc. to effectively monitor and control such activities. In this context, joint actions can be more fruitful than a single country struggle towards terrorism. Therefore, there is a need that both states should join hands to fight this enemy and make this region a land of harmony and all-round growth.

India and Pakistan have signed many agreement among them, but these agreement never followed in letter and spirit. Therefore, it is imperative that both countries should ensure the trustworthy implementation of all earlier agreements. Moreover, India and Pakistan must keep a balance between military and non-military CBMs, because in the past more focus has been placed on military rather than non-military CBMs. Parallel actions on both fronts can provide the process a step forward in the right direction. A concerted effort is need from all stake holders like political leaders, policy-makers, security establishments, business communities and civil society.

India-Pakistan issue of discard, if analysed objectively, indicates a general problem of mutual suspicion and distrust between them. An asymmetry in terms of geo-physical and military capabilities has further added to this mistrust. In the
process, Pakistan’s outlook has mainly remained regional, whereas India’s perception looks to be universal.\textsuperscript{198} Thus, India-Pakistan relations have become so visions that even engaging them in discussion is not beyond doubts. Therefore for the success of dialogue between them require flexibility to accommodate the concerns of both the states.

However, the negotiators of the two governments are not free from prejudice and the ideological antagonism. Unless the agreed CBMs are quickly implemented the momentum for dialogue and reconciliation are derailed. It is opportune time for both states to break down the barriers of popular prejudice through greater mutual interaction.\textsuperscript{199} The recent engagement among them can certainly check the political and diplomatic abilities of the two countries, but patience is needed for smooth conduct of such activity. Hope of preferred results lie in the nature of the peace process and the scope it can comprehend. This can be boosted further by the announcements of unilateral measures by their political elites so that a climate of mutual confidence and self-reliance can be encouraged. Hence, Shivshankar Menon, the then Indian National Security Advisor, was right when he remarked at the Asian Relations Conference (ARC) that, “India and Pakistan should build the economic and other links that we can, while attempting to resolve the political and security issues that divide us. This does not mean that we ignore the political and security issues. In fact it means the opposite...In the meantime, we should move also move forward much more rapidly on the connectivity, including energy and grid connectivity, tourism, people-to-people, trade and economic links that can make such a major contribution to improving our future.”\textsuperscript{200}
It is also imperative to mention here that the future of CBMs is dependent not only on peace moves prepared or reciprocated by the responding governments, it depends heavily on the new generation of the region as they have not suffered the miseries of partition and wars. Further concept of CBMs requires time to get it institutionalised so that optimistic results can be achieved. That is why; it has been rightly remarked that, “It is important to note that CBMs are intrinsically harmless. They cannot injure of any nation nor can they be impediment in the path of national objectives and strategies. The real question however, relates to how useful CBMs are in relations between adversial or competing states”.

It is fact that now both states have reached a stage that such scenario can have serious bearings on social, economies and political development of both countries. The people are tired of this stressful atmosphere in the region. In such a situation, it is inevitable that the issues related to security are dealt with a sensible and intelligent way rather than as a tool to promoting political objectives. For the success and continuation of the peace process, it is necessary to remove the bottleneck in the way of resolving long standing disputes. So, the difficult problems may be set aside and priorities should be given to those issues which are soft and less politically volatile. Optimism by building blocks for effective linkages between both countries is the need of hour. Peace between India-Pakistan will remain elusive, unless and until, both states develop mutual confidence and trust. Therefore, there is a great need to replace old thinking, ideas and mindsets by new ones. It will not only grant the fuel to the CBMs process, but also provide the opportunity to interact at various levels.
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