

India-Pakistan: Failed in the Field and Across the Table

By Amit Ranjan

Whenever India and Pakistan engage into bilateral dialogue, questions are raised as to how long they will continue discussions or if they can resolve any their myriad of conflicts. The two countries could resolve their dispute through dialogue but lack the political will to do so. The Indus Water Treaty of 1960 and the 1988 agreement to exchange nuclear data every year are among the positive developments, but lack of trust continues to compromise progress.

T.V. Paul conceptualizes the relationship between India and Pakistan as an “enduring rivalry.” Rivalries are conflicts between two or more states that last more than two decades with several militarized inter-state disputes punctuating the relationship in between and are characterized by a “persistent, fundamental and long term incompatibility of goals between two states” which “manifests itself in the basic attitudes of the parties toward each other as well as in recurring violent clashes over a long period of time.”¹ The root cause of India-Pakistan’s rivalry is the territorial claim and counter-claim over the states of Jammu and Kashmir. To be precise, the problem is not over Hindu dominated-Jammu because its demography gives it a rightful status to be part of India. The source of tension is the conflict over the Kashmir valley. As long as this problem persists, their relationship will not improve. Both countries have tried to achieve a solution through various means such as wars, multilateral dialogues, mediation, and bilateral negotiations but failed to achieve anything concrete. The aim of this paper is to focus upon the mistakes committed by India and Pakistan while negotiating Kashmir issue. It will take into account the bilateral dialogues only and not the United Nations (UN) led multilateral dialogues. It will also highlight the reasons for failure of bilateral talks. In this paper the word Kashmir represents

1 Paul, T.V. (Ed.). (2006). *The India Pakistan conflict: an enduring rivalry*. New Delhi: Foundation Books. Citing Zeev Maoz and Ben Mor, T.V. Paul, defines “enduring rivalry” as (i) an outstanding set of unresolved issues (ii) strategic interdependence between the parties (iii) psychological manifestations of enmity and (iv) repeated military conflicts. All these four characteristics are present in Indo-Pakistan conflicts therefore it fits to the concept of “enduring conflicts.” Both India and Pakistan are not ready to get out of this conflict.

the Kashmir valley.

Status of Kashmir

Mother of all conflicts, or what my PhD supervisor Prof. Uma Singh calls the “core” issue² between India and Pakistan: Kashmir. Administratively, Jammu and Kashmir are split into three parts, and at present are under the administrative control of India, Pakistan, and China.³ Due to prolonged conflict between India and Pakistan over the status of Jammu and Kashmir since 1947, various other minor disputes have erupted and remained unresolved, such as the de-militarization of Sichuan and the demarcation of the Sir Creek estuary. The Kashmir issue prohibits India and Pakistan from reaching consensus on what would normally be routine matters. The two countries in past have settled a few issues through mediation and arbitration process, such as the sharing of trans-border river water from the Indus River System in 1960 and the demarcation of the border between them in Rann of Kutch. Rann of Kutch remains stable, but in 1960 emerging voices in both countries scraped the successful treaty on IWT.

In order to resolve the Kashmir issue the two countries have even engaged in three total wars (in 1947, 1965, and 1971), one limited war (in 1999), and number of war-like situations (in 1987, 1999, and 2002), and mediation by the United Nations and bilateral dialogues failed to change the status. There were moments in 1954, 1963, 1972, and 2007 when it is believed that both countries could have resolved the conflict. But due to deliberate or inadvertent reasons those opportunities were missed. At present the stalemate over Kashmir between India and Pakistan is same as it was in 1948, with no sign, at least in near future, of any improvement.

Genesis of Kashmir conflict

2 Singh, U. (2001). Kashmir: the ‘core issue’ between India and Pakistan. In Sahadevan, P. (Ed.), *Conflicts and peacemaking in South Asia* (pp. 214). New Delhi: Lancers Book.

3 There is a great deal of controversy over the border demarcation or land transfer agreement between China and Pakistan in 1963. In his autobiography *Friends Not Masters* Ayub Khan writes that it was the Chinese who transferred landmass to Pakistan rather than the opposite. For India it was an attack on its sovereignty because India considers the entire Jammu and Kashmir its own territory and the area under Pakistan occupied territory. Due to that demarcation agreement China found a foothold in Kashmir. Due to its rising assertive power, in future it may demand to be a party to any sort of territorial resolution formula of Kashmir issue.

Conceptually, conflict is actual or perceived opposition of interests, understandings, and values. It explains various aspects of social life such as social disagreement, conflicts of interests, and fights between individuals, groups and organizations.⁴ It exists when incompatible goals develop between persons, groups, or nations.⁵ India and Pakistan have different interests, understandings, and values as far as Jammu and Kashmir are concerned. For India, secularism is the guiding principle and it wants Jammu and Kashmir to maintain its secular credentials; while for Pakistan, which was formed in the name of religion, Kashmir is important to complete the promises made to it at the time of partition of India. Due to this incompatible goal the conflict persists and no party wants to compromise. Hence, the Kashmir dispute is an ideological, rather than a territorial,⁶ dispute. Strategically, both countries have their own reasons to claim this territory. Pakistan's insistence on Kashmir was asserted by General Ayub Khan as "our (Pakistan's) communication, our rivers and even the cease-fire line in Kashmir one and all are sufficient factors to indicate that our neck is in grip of others..."⁷ For India, having Kashmir means having difficult terrain under its possession, which could deter the foreign enemies from launching conventional attacks.

To resolve the Kashmir issue India and Pakistan started with a war in 1947, afterwards they engaged into two total wars (in 1965 and 1971), one limited war (in 1999), and a few war-like situations (in 1987, 1989, 2002 etc). The reasons for all these wars and tensions are same those for the first one in 1947⁸: the existence of competing ideological forces on the subcontinent, irredentism on the part of the Pakistani leadership and anti-irredentism maintained by India, the strategic location of Kashmir, and, finally the lack of sufficient institutional arrangements by the British to ensure an orderly transfer of power. All these reasons are still intact, except for the last one. After coming into existence as two sovereign states the onus was on India and Pakistan to look out for institutional arrangements to resolve the Kashmir issue, but they failed.

4 Druckman, D. & Diehl, P.F. (Eds.), (2006). *Conflict resolution (vol. I)*. New Delhi: Sage Publications.

5 Deutsch and Coleman (Eds.). (2000) *The Had Book of conflict resolution: theory and practice*. San Francisco: Jossey Bass.

6 Bilkenberg, L. (1998). *India-Pakistan: The history of unsolved conflicts (vol. II): Analyses of some structural factors*. Campusvej: Odnense University Press.

7 As quoted from the *Dawn* by Razvi, Mujtaba (1971). *Frontiers of Pakistan*. Karachi: National Publishing House.

8 Ganguly, S. (1986). *The origins of war in South Asia: Indo-Pakistani conflicts since 1947*. London: Westview Press.

Historically, in 1846 under the Treaty of Amritsar the British sold the beautiful valley of Kashmir to the Hindu Dogra ruler, Gulab Singh. As Maharaja of Jammu and Kashmir, he was able to include Kashmir as the “jewel” among his other territorial possessions, which included Jammu, Ladakh, Baltistan, and numerous hill states, and through this treaty people of different linguistic and cultural traditions were all brought under the jurisdictions of one ruler. Dogra rulers had also set up British residency in Jammu and Kashmir and, like all other princely states, had been supportive to the colonial rule.⁹

At the time of partition of India in 1947, when the Princely states were forcibly told by Lord Mountbatten that they had only two options: either to join India or Pakistan, Maharaja Hari Singh, grandson of Gulab Singh, could not decide about which side he should join.¹⁰ He was a Hindu ruler with the majority of his subjects professing Islam. Unlike other places, this state was not affected by the partition’s communal killings. The prime aim of the Muslim population from the valley, a long-sought goal, was to get rid of the authoritarian rule of Maharaja Hari Singh. Under leadership of Sheikh Abdullah, Kashmiris were fighting for that cause. Sheikh was in favor of remaining with India. Due to Hari Singh’s political stubbornness Kashmir remained “independent” for two months. In October 1947, backed by certain officers of Pakistan army like then Col Akbar Khan, tribesmen from Pakistan’s North-West Frontier invaded the state.¹¹ Maharaja Hari Singh finally agreed to join India. His decision was contested by Pakistan on the basis of the state’s majority Muslim population. The newly formed United Nations declared a ceasefire after Pandit Nehru launched a formal complaint against Pakistan. As a result of that war, one-third of the former princely state is administered by Pakistan, known as “Azad” Jammu and Kashmir¹² and the Northern Areas (now Gilgit-Baltistan), while two-thirds, known as the state of Jammu and Kashmir is administered by India (this includes the regions of Ladakh, Jammu and the Kashmir valley).¹³ The ceasefire line has remained the *defacto* border and was renamed Line of Control (LoC) in 1972. India’s complaint against Pakistan’s “aggression” in the United Nations Security

9 Schofield, V. (2010). *Kashmir in conflict: India, Pakistan and the unending war* (1st South Asian ed.). London and New York: I.B. Tauris.

10 *ibid*

11 Nawaz, S. (April-June 2008). The first Kashmir war revisited. *India Review*, 7(2), 115-154.

12 This one-third also includes the area under the possession of China due to border transfer agreement of 1963 between China and Pakistan.

13 Schofield, V. (2010). *Kashmir in conflict: India, Pakistan and the unending war* (1st South Asian ed.). London and New York: I. B. Tauris.

Council turned a dispute between two countries into an issue that demanded international attention.¹⁴ The UN and its appointed mediators have come out with various recommendations and have fully supported the idea of plebiscite, so that the people themselves could decide their future. But that plebiscite was never held because firstly, as a prerequisite, Pakistan was required to withdraw its forces from the territory that they had occupied. Secondly, it was clear that the Indian government only agreed to hold plebiscite at a time when it was confident that the majority would confirm union with India. In the event, Pakistan's reluctance to vacate the territory it had occupied gave India a chance to renege on its commitment to hold a plebiscite; the *de facto* division of the state that India and Pakistan had achieved militarily was therefore neither reversed nor confirmed.¹⁵

As the problem of Kashmir was not resolved in initial years the two countries faced each other in war to resolve the issue. In all three wars Pakistan was humiliated because of the superior conventional military power of India. But despite these defeats, Pakistan has never given up and follows Boulding's logic that "when there is a power asymmetry in relationship, conflict may escalate as the disempowered party seeks to redress grievances against the more powerful party."¹⁶ Despite being a weak power in comparison to India, Pakistan has engaged India in various battles. After 1990 Pakistan adopted a covert war policy and started supporting insurgents and militants in order to bleed India. This situation has led to escalation of violence in the valley and also escalation of tensions between the two countries.

Bilateral Negotiations

As Hans J. Morgenthau has pointed out, "nations in resolving their differences...have always had a choice among three alternatives: diplomacy, war, and renunciation... [but] modern technology...has destroyed this rational equality...There is no longer safety in renunciation or victory in war...Only we are left with diplomatic negotiation."¹⁷ Following this logic, since the 1950s India and Pakistan have tried to use diplomatic channels to resolve Kashmir issue between them.

From 1947 to 1971 the United Nations appointed mediators tried to find a mutually accepted formula to settle the Kashmir issue but this global institution failed in its attempt. The ongoing Cold War, which ended with the disintegration

¹⁴ *ibid*

¹⁵ *ibid*

¹⁶ Boulding, K. (1990). *Three faces of power*. Newbury Park, CA: Sage.

¹⁷ Morgenthau, H. (1948). *Politics among nations: the struggle for power and peace*. New York: Alfred. A. Knopf.

of the former USSR, was one of the major reasons that the UN failed in its effort to resolve this issue. Pakistan joined the US-sponsored regional security arrangements in 1954-55 to obtain military equipment and weapons to strengthen its security, primarily from India. India moved towards the former USSR. In 1955 the former Soviet leadership accepted the India's position on Kashmir. It used two vetoes in the UN Security Council, in 1957 and 1962, to stall the draft resolutions on Kashmir.¹⁸ Besides the multilateral approach the two countries also interacted bilaterally during that period. But after the 1971 Bangladesh war the two countries formally agreed at Simla that instead of using the office of the United Nations they would engage bilaterally in order to resolve Kashmir issue.¹⁹ Since that time, and also before 1971, their bilateral engagement has yielded not even incremental results.

For the first time in 1953, the two nations sought to resolve the dispute on a bilateral basis. Hopes for quick settlement were raised with the election of Prime Minister Mohammad Ali Bogra in 1953, as it was believed that he might adopt a more tractable position on the Kashmir issue. Shortly after his election he met Pandit Nehru in London at the Commonwealth Prime Ministers Conference. After this interaction, they met in New Delhi. The second meeting produced a joint communiqué that affirmed the desire of both parties to settle the dispute without resort to force, to hold a plebiscite to ascertain the "wishes of the people," and to appoint a plebiscite administrator. Informally, the negotiators also agreed that the plebiscite administrator should be someone from a small Asian nation rather than admiral Chester Nimitz of the United States. Talk continued till 1955 with a brief halt but it finally stopped when then-Governor General Ghulam Mohammad fell ill and was replaced by Iskander Mirza.²⁰ Unlike Ghulam Mohammad, Iskander Mirza was not ready to make any compromise on Kashmir issue. He was backed by the religious fundamentalists and also by the Pakistani army. He was responsible for introduction of military rule in Pakistan. Thus, the Pakistani hawks halted the prospects of achieving a solution on Kashmir in 1954.²¹

18 Askari-Rizvi, H. (2007). Kashmir: Islamabad's new approach to Kashmir. In W.P.S. Sidhu, et al (Ed.), *Kashmir new voices new approaches* (pp. 137-153). New Delhi: Viva Books.

19 Schofield, V. (2010). *Kashmir in conflict: India, Pakistan and the unending war (1st South Asian ed.)*. London and New York: I.B. Turis.

20 Ganguly, S. (1986). *The origins of war in South Asia: Indo-Pakistani conflicts since 1947*. London: Westview Press.

21 Jalalzai, M. K. (2000). *The foreign policy of Pakistan: An overview (1947-2000)*. Lahore: Khan Book Company.

Though the talks came at halt with appointment of hardliner Iskander Mirza as President of Pakistan, the good gestures made during this period bore results. The two countries had softened their stances on Kashmir, realizing that they had to settle down with their areas and not desire occupation of each other's parts of Kashmir. Addressing a public meeting in New Delhi on April 13, 1956, Pandit Nehru said "I am willing to accept that the question of the part of Kashmir which is under you (Pakistan) should be settled by demarcating the border on the basis of present ceasefire line. We have no desire to take it by fighting."²² Also, as a result of that talk the two countries mutually agreed to discuss the issue of trans-boundary water sharing from Indus River System (IRS). The talk started in 1952 and after eight years of rigorous talk, mediated by the World Bank representative, Pandit Nehru and General Ayub Khan at Karachi finally signed a treaty in 1960. The two countries are still honoring this treaty, with some difficulties.

In the second half of 1950s Pandit Nehru was busy giving a shape to the Non-Aligned Movement and dealing with China, so he paid scant attention towards exploring new chances to engage Pakistan over Kashmir. The 1962 Sino-India war and defeat of India had changed whole equation in south Asia. The south Asian countries found a new supporter in form of China. Also, India lost the aura of a powerful and a regional hegemon. After its defeat in 1962 war with China, India turned towards United States and the United Kingdom for its military build up so that it could face challenges in future. In return for arms assistance the United States and United Kingdom wanted India to reach an agreement with Pakistan on the Kashmir issue on terms extremely favorable to Pakistan. This expectation was conveyed to the Indian government during the Harriman-Sandys' mission, which visited India in December, 1962. The two men who led the joint mission were Averell Harriman, a former US ambassador to the former USSR, and Duncan Sandys, a member of the British House of Commons. Though under considerable pressure, Nehru stood his ground and refused to give in to the demands of the mission.²³

In 1963, once again, Pandit Nehru took an initiative to resolve the Kashmir issue. His decision was surely influenced by the Harriman-Sandys mission goal. He wanted the Kashmir solution on his terms and conditions rather than to be under dictate from the US or UK. Hence he made a last effort that was duly supported by General Ayub Khan. The two countries held five rounds of

22 Jammu and Kashmir Dispute (A paper produced by the CPI (M) New Delhi p-21) as quoted in Razvi, M. (1971). *The frontiers of Pakistan*. Karachi: National Publishing House.

23 Ganguly, S. (1986). *The origins of war in South Asia: Indo-Pakistani conflicts since 1947*. London: Westview Press.

bilateral dialogue between them, primarily to address the Kashmir issue. The talks were held in India and Pakistan. Sardar Swarn Singh represented India while Z. A. Bhutto represented Pakistan. The first round was held at Rawalpindi on December 27, 1962. These discussions were more realistic than some of the earlier ventures in direct Indo-Pakistani negotiations over the future of the state of Jammu and Kashmir. The Pakistani side considered solutions other than plebiscite seriously. India is said at one point to have offered to cede to Pakistan all of the state of Jammu and Kashmir, which Pakistan held at the time, along with some small tracts of additional territory in Kashmir Province and Poonch so as to straighten out the border, marking first time India had proposed to transfer to Pakistan *any* land which Pakistan actually held in the disputed State. Pakistan, however, refused (probably as a bargaining position; what Pakistan really wanted was the bulk of the Vale of Kashmir plus Indian acceptance of both Azad Kashmir and Pakistan control over the Northern Areas) to accept any partition scheme which did not give it the entire Chenab valley in Jammu (cutting the Pathankot-Srinagar road), although Pakistan was prepared to give India temporary transit rights through Jammu so as to be able to continue contesting Ladakh with the Chinese. India had no difficulty in rejecting this suggestion, seeing it as a merely temporary answer to its view of the problem of the Northern Frontier.²⁴ Unfortunately, the six rounds of talks proved to be a vain exercise and both sides blamed the other for not reaching a solution. In 1964 during his last days Pandit Nehru sent Sheikh Abdullah to Pakistan to have a dialogue with the Pakistani leadership and look out for a breakthrough but unfortunately his visit was cut short due to death of Pandit Nehru in May 1964.

After the death of Pandit Nehru, Lal Bahadur Shastri became prime minister of India. In 1965 the two countries engaged in a second war. The war ended with defeat of Pakistan and signing of truce agreement at Tashkent. The government of former USSR took up this initiative. There they re-affirmed their obligation under the UN charter not to resort to force and to instead settle their disputes through peaceful means. Both sides also agreed that all armed personnel of the two countries would be withdrawn by no later than February 25th, 1966, and both sides would observe the cease-fire terms on the cease-fire line.²⁵

After maintaining silence on border for five years, in 1971 the two countries engaged once again in war, the last major conventional war between them, over the question of Bangladesh (then East Pakistan). After, the two countries signed Simla Agreement on July 2nd 1972, in which they agreed to

24 Lamb, A. (1993). *Kashmir: A disputed legacy 1846-1990*. Karachi: OUP.

25 Tashkent Declaration, January 10, 1966.

settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them. Pending the final settlement of any of the problems between the two countries, neither side would unilaterally alter the situation nor would both prevent the organization, assistance, or encouragement of any acts detrimental to the maintenance of peaceful and harmonious relations.²⁶

After the war India could have bargained and settled the Kashmir issue on its own terms but failed to do so because of certain backdoor and open diplomacy. Prior to Simla, Sajjad Zaheer and Mazhar Ali Khan, editor of *Dawn*, who had worked together in pre-partition days as fellow activists of the All India Student Federation, encouraged by their fellow-traveler P.N. Haskar met in London in the third week of March 1972 to discuss the terms of possible agreement between their two national leaders. Khan told his Indian comrade that humiliation of Bhutto at Simla would encourage the military and Islamic forces. They discussed everything and prepared a tentative proposal of the agreement to be signed at Simla. Also he was requested to not mention Kashmir issue at all in the declaration as this would open a Pandora's box. Khan reported on these talks directly to Bhutto, while Zaheer conveyed them via P. N. Haskar to Mrs. Gandhi.²⁷

At Simla the two sides agreed that both sides should respect the line of control resulting from the cease-fire of December 17, 1971 without prejudice to the recognized position of either side. Neither side would seek to alter it unilaterally, irrespective of mutual differences and legal interpretations. Also both sides further undertook to refrain from the threat of the use of force in violation of this line.²⁸ Here, for the first time, the two countries also decided that they would resolve the issue bilaterally. But President Bhutto did not keep this promise. Soon after his return from Simla, addressing the Pakistan National Assembly, he argued that if bilateral negotiations failed, Pakistan could approach the UN for settlement of the Kashmir issue.²⁹ Afterwards, Pakistan once again started raising this issue at various multilateral forums like Organization of Islamic Countries (OIC), the UN, etc.

Positively, after the historic Simla pact, Z.A. Bhutto initiated a number of other agreements regarding trade, shipping, cultural exchange, and travel. And

26 Simla Agreement, July 2, 1972.

27 Guha, R. (2007). *India After Gandhi: The history of the world's largest democracy*. London: Picador.

28 Simla Agreement, July 2, 1972.

29 Rizvi, H. A. (1993). *Pakistan and geostrategic environment: A study of foreign policy*. London: MacMillan Press.

people-to-people level interaction began. But these things had short life spans and in 1978, during General Zia's time, when trade delegation from India arrived in Islamabad to review the trade agreement signed in 1975, the Government of Pakistan declined to renew this treaty. The Pakistan Government restricted all trade with India at the government levels and declined to open land routes (other than Wagha) as stipulated in the visa and travel agreement of 1974.³⁰

From 1972 to 1989 the Kashmir issue remained in background of various other developments, and there was no serious use of "K" word by the leadership of India and Pakistan. That does not mean that from 1972 to 1989 the two countries were having detente period. They engaged in different forms of war and looked out for application of various strategic techniques to check the other. The developments in these years still impact the current India-Pakistan relationship.

In 1974 India conducted "Peaceful Nuclear Explosion" (PNE) which changed the military equation in the subcontinent and Pakistan also started looking out for its own bomb to deter India. In 1984, amidst Pakistan's objection and allegations for violating the Simla, India captured strategic locations on the Siachen glacier. India claimed that the area beyond NJ9842 was non-demarcated and unmarked,³¹ so it had not violated the Simla agreement, which was for maintaining status quo in terms of the borderline. In reaction, Pakistan too captured few heights from its side and thus the difficult terrain of Siachen glacier was militarized. Since 1986 they have concluded many rounds of bilateral dialogue to de-militarize this glacier but nothing concrete has come up.

In early 1980s, the Sikh militancy in India was at its pinnacle, demanding a separate state called Khalistan. As a result, Mrs. Indira Gandhi was assassinated by her Sikh bodyguards. India found that this militancy received support from Pakistan. The militancy was seen as a "final push" by Pakistan to detach both Kashmir and Punjab from India.³² In order to teach a lesson to Pakistan the Indian military carried out a war exercise in 1987, with codename Brasstack, at border with Pakistan in Rajasthan. Pakistan responded with its own exercise and an army formation named *Saf-e-Shikan* near the Punjab border.³³ The situation became

30 Jalalzai, M. K. (2000). *The foreign policy of Pakistan: An overview (1947-2000)*. Lahore: Khan Book Company.

31 Sahni, V. (2001). Technology and conflict resolution In Sahdevan, P. (Ed.), *Conflicts and peacemaking in South Asia*. (pp. 238-271). New Delhi: Lancers Book.

32 Bajpai, K. P. et al. (Ed.). (1995). *Brasstacks and beyond: Perception and management of crisis in South Asia*. Urbana-Champaign: Program in Arms Control, Disarmament and International Security, University of Illinois.

33 Hagerty, D. T. (1998). *The consequences of nuclear proliferation: Lessons*

tense—war seemed certain—but things changed after diplomatic moves and interference by the USA and the former USSR. Later on, to ease tension, Prime Minister Juneja spoke with Prime Minister Rajiv Gandhi on telephone. Then, on February 19th General Zia traveled to India to watch the India-Pakistan cricket match at Jaipur. He used that occasion to meet Rajiv Gandhi and signaled his country's peaceful intentions.³⁴ The crisis finally ended. A few months after the operation Brasstacks, an interview of A.Q. Khan by Kuldeep Nayyar was published in *Observer*, where it was revealed that Pakistan had an untested nuclear bomb.³⁵ The news made New Delhi cautious of a major conventional weapon engagement with Pakistan. In 1989 Pakistan carried out its own Brasstacks-like war exercise named Zaib-e-Mobin, but unlike the former it did not lead to major military movement or tensions between the two countries.

In 1988, amidst all hysteria, two next-generation heads of state—Rajiv Gandhi and Benazir Bhutto—from the two political families, carrying political legacy, met at Islamabad. They signed the nuclear non-attack agreement that Rajiv Gandhi and General Zia had verbally concluded three years earlier.³⁶ Various other CBMs were discussed upon but by and large the Kashmir issue was kept away from the discussion table.

One of the major turning points in the entire history of Jammu and Kashmir was the eruption of terrorism in the Kashmir Valley. The Jammu and Kashmir Liberation Front (JKLF), led by Amanullah Khan and founded amongst the Mirpuris in Birmingham (UK),³⁷ was the first militant group to become active in the valley. JKLF was for merger of two sides of Jammu and Kashmir together to set up an independent country as a buffer between India and Pakistan. After the JKLF many Pakistani-sponsored groups were introduced to the valley to instigate rebellion and fight a proxy war against the Indian state in the valley. The recruits of these groups were mainly the Talibs, who had nowhere to go after being dumped by their masters after the end of Afghanistan war in 1989. Some of them operated with the Hizb-ul-Mujahideen while others joined al-Badr and al-Omar.

from South Asia. London, Massachusetts: MIT Press.

34 *ibid*

35 Ganguly, S. (2002). *Conflicts unending: Indian-Pakistan tensions since 1947*. New Delhi: OUP.

36 Hagerty, D. T. (1998). *The consequences of nuclear proliferation: Lessons from South Asia*. London and Massachusetts: MIT Press.

37 Samad, Y. (2007). Pakistan from minority rights to majoritarianism. In Gyanendra Pandey & Y. Samad (Eds.). *Faultlines of nationhood* (pp. 118). New Delhi: Roli Books.

The most powerful of the groups that emerged in 1993, following the consolidation of a number of smaller groups, was Harkat-ul-Ansar. Unlike many indigenous insurgent groups, members of these organizations lacked any blood-soil relationship with Kashmir, so they were far more prone to engage in rape and violence.³⁸ The Pakistani Army and Inter-Services Intelligence (ISI) took advantage of the Afghan war veterans' enthusiasm for Islamic causes and facilitated their involvement in Kashmir by providing weapons and briefings for military activities in Indian side of Kashmir.³⁹ Once the violence took its root in the valley the Indian government turned the valley into a virtual cantonment, in order to flush out these militants. And since then the proxy war between Indian security forces and militants has been going on.

Although the foreign fighters started the process later many locals joined the terror groups in large numbers. The youths who joined these groups were mainly unemployed and alienated due to policies of state and union government. The killings of innocents became common thing due to imposition of Armed forces Special Powers Act. With the valley turning into a cantonment the people lost the democratic rights previously enshrined in the Indian constitution. They wanted to take revenge for the injustice done to them by state agencies and so opted for the violent path. Most of the recruits of the pro-Pakistani groups were the political leaders and workers of the Muslim United Front (MUF) who were deceitfully defeated in 1987's rigged assembly elections by the National Conference candidates. One of the MUF candidates was Syed Salauddin and Yasin Mallick was his polling agent.⁴⁰ Both are now heading a pro-Pakistani group.

As the valley came into the grip of terrorists the blame game between the two countries began. Replying to India's blame for being responsible for these disturbances, Islamabad responded that it provided only diplomatic and moral support to "freedom fighters."⁴¹ In 1990 the two countries were on the verge of war over the issue of terrorism. The statements of leaders and army chiefs as well as the news analysis of journalists confirmed that both have had a usable nuclear

38 Jalalzai, M. K. (2000). *The foreign policy of Pakistan: An overview (1947-2000)*. Lahore: Khan Book Company.

39 Askri-Rizvi, H. (2007). Kashmir: Islamabad's new approach to Kashmir. In W.P.S Sidhu et al (Eds.), *Kashmir new voices new approaches* (pp. 137-153). New Delhi: Viva Books.

40 Bose, S. (2003). *Kashmir: The roots of conflict*. Harvard: Harvard University Press.

41 Hagerty, D. T. (1998). *The Consequences of nuclear proliferation: Lessons from South Asia*. London, Massachusetts: MIT Press.

bomb in their possession. Timely interference by the USA changed the situation and pacified both parties.⁴² In 1998 both tested their nuclear weapons and overtly declared themselves nuclear countries, which has given a nuclear angle to conflicts between the two countries. Now it became clear that the two could not afford to repeat the mistakes of going to war over each and every petty issue but must engage in dialogue once again. In 1999, through diplomacy, India's centre-of-right government under Atal Behari Vajpayee engaged Pakistan. He himself journeyed to Lahore where he met his Pakistani counterpart Mian Nawaz Sharief and signed the Lahore Declaration on February 21st, 1999.

The Lahore Declaration reaffirmed India and Pakistan's commitment to find a peaceful resolution to the issue of Jammu and Kashmir. Each side pledged to "take immediate steps for reducing the risk of accidental or unauthorized use of nuclear weapons and discuss concepts and doctrines with a view to elaborating measures for confidence building in the nuclear and conventional fields, aimed at prevention of conflict."⁴³

But the ink of the declaration was barely dry when the Kargil misadventure took place. Pakistani-army backed terrorist groups wanted to repeat the actions of 1947 in order to capture the state through force. Unlike Prime Minister Nawaz Sharief, Army Chief General Pervez Musharaff wanted to gain superiority in any decision making process and so he took the initiative to put a full stop on the peace process started with Lahore bus diplomacy. During the Kargil war there was a fear generated and expressed by global media that the nuclear weapon could be used.⁴⁴ But fortunately it did not happen. Pakistan's nuclear weapons deterred the Indian government from escalating the fighting either across the LoC in the Pakistani side of Kashmir or across the international border of Pakistan.⁴⁵ This was the first time that this had happened since the defacto border was drawn between the two countries. The nuclear optimists, who believe that nuclear weapons act as a deterrent, celebrated this situation. Nuclear weapons were also a factor in stopping India from launching a war against Pakistan in 2002, after the attack on Indian Parliament by Pakistani-trained terrorists.⁴⁶

42 *ibid*

43 Lahore Declaration, 1999

44 Levy, A., & Scott-Clarke, C. (2007). *Deception Pakistan, the United States and the global nuclear weapons conspiracy*. PA: Atlantic Books.

45 Hagerty, D. (2010). The Kargil War: An optimistic assessment. In S. Ganguly & Paul S. Kapur, Eds.), *India, Pakistan and the bomb: Debating nuclear stability in South Asia* (pp. 100-116). California: Columbia University Press.

46 Swami, P. (2010). A war to end a war: The causes and consequences of the

After two assassination attempts executed by the jihadist groups, General Musharaff understood the gravity of situation. His tone became conciliatory towards India and he hinted that he was willing to drop Pakistan's long-standing demand that a plebiscite be held in Kashmir under the 1948 UN resolution to determine its status as long as India was equally forthcoming.⁴⁷ His views were accepted and he was invited for a bilateral talk in India. His move at Agra was closely watched by both hardliners and peaceniks, often with contrary agendas. The Jamat-i-Islami and Islamic militant groups had warned him not to deviate from a single point of the Kashmir agenda.⁴⁸ Even India was under pressure to have dialogue with Pakistan on Kashmir issue. The leaders from two countries met at the historic "city of love" Agra but at that time too nothing was gained. As usual both sides blamed each other and the issue of Jammu and Kashmir remained undecided. The Hindu right wing dominated cabinet failed its liberal face, then PM Atal Behari Vajpayee, to take the dialogue to a conclusive end.

Post September 9th 2001, the US-led NATO attack on Afghanistan changed the politics of sub-continent. In order to gain success in its mission the US wanted cordial relationship between India and Pakistan. Under pressure once again the two sides started preparation for formal dialogue. The back channel diplomacy was used to prepare the environment for talk. In April 2003, then Prime minister Vajpayee's principal secretary Brajesh Mishra and General Musharraf's top political aide held several rounds of talks in London, Dubai, and Bangkok to explore avenues to begin a peace process.⁴⁹ Meanwhile, in 2004 the Congress-led UPA democratically replaced the BJP-led NDA government. Dr. Manmohan Singh, the new Prime Minister, vowed to improve bilateral relationship with Pakistan. In 2006 at the sidelines of the NAM summit in Havana, they accepted that terrorism is a major source of concern and promised to set up Joint Anti-Terrorism Mechanism (JATM), engaging the intelligence officials from two countries to deal with this menace.⁵⁰ But like all other things

2001-2002 India Pakistan crisis. In S. Ganguly. & Paul S. Kapur, (Eds.), *India, Pakistan and the bomb: Debating nuclear stability in South Asia* (pp.-144-161). California: Columbia University Press.

47 Hussain, Z. (2007). *Frontline Pakistan: The struggle with militant Islam*. London: Penguin/Viking.

48 General on mission, *Newsline*, July 2001 as cited in Hussain, Z. (2007). *Frontline Pakistan: The struggle with militant Islam*. London: Penguin/Viking.

49 Interview with foreign ministry official as cited in Hussain, Z. (2007). *Frontline Pakistan: The struggle with militant Islam*. London: Penguin/Viking.

50 Daulat, A.S. & Durrani, A. (2011, July 14). India-Pakistan Intelligence

this is also yet to happen.

Afterward, the heads of state met few times on the sidelines of multilateral forums and conferences. Writing on the development between the Congress-led UPA government and General Musharraf's regime on Kashmir issue, former Foreign Minister of Pakistan Khurshid Mohammad Kasuri stated that in 2007 India and Pakistan had almost reached to an accepted solution on the status of Jammu and Kashmir.⁵¹ He had not delved into the depth of the issue and did not state the probable formula on which the two countries agreed. During his time as president of Pakistan General Musharaff came up with various ideas to address and resolve the issue of Kashmir dispute but the Indian political establishment did not accept his formulas. As things were going well between the two countries and the leaders were meeting, though on sidelines of international forums, Pakistan-based terrorist groups carried on unfortunate mayhem in Mumbai. Prior to the incident in Mumbai the Samjhauta Express bomb blast was carried out by the newly set up Hindu terror group Abhinav Bharat. These incidents halted further progress of dialogue between the two countries. Both India and Pakistan showed concern for these activities, filing charges against the culprits. The case is currently sub judice in Panchkula court.⁵²

After the Mumbai mayhem, dialogue did not resume until 2010, when, followed by a meeting between foreign secretaries of two countries, foreign ministers held dialogue in New Delhi and Islamabad. At Islamabad the two foreign ministers shamefully fought with each other in front of media but that fiasco did not deter Pakistani Prime Minister from accepting India's invitation to cricket World Cup semi-final match between India and Pakistan. Cricket diplomacy once again opened negotiations between the two countries. In July 2011, youngest and the first women foreign minister of Pakistan, Mrs. Hina Rabbani Khar, paid a visit to New Delhi for bilateral dialogue.

Why Have Negotiations Failed?

India and Pakistan's negotiations have not been systematic and structural. There are four different stages of negotiations:⁵³

1. Ripeness of the Dispute: In the absence of ripeness, negotiations may not only

Cooperation. *The Hindu*.

51 As stated by Khursheed Mohammad Kasuri during his interaction with *Times of India* & Jang Groups Aman Ki Aasha; on 23 April, 2010. Statement published in *TOI* on 24 April 2010.

52 News in *The Times of India*; dated 18 July, 2011.

53 Misra, A. (2010). *India-Pakistan: coming to terms*. New York: Palgrave McMillan.

be counterproductive, but they may also lead to disappointment for all sides, which may in turn cause the dispute to further deteriorate. Citing Richard Hass, Ashutosh Misra writes “Ripeness will often determine the success of those diplomatic efforts. Whether negotiation will succeed or fail hinges on the shared perception by the disputants that an accord is desirable, the existence of leadership on all sides that is either sufficiently strong to sustain a compromise or so weak that a compromise cannot be avoided, a formula involving some benefits for all participants and a commonly accepted diplomatic process.” This ripeness is absent in India-Pakistan talks because the two countries are not willing to make compromises.

2. Pre-negotiation: Citing Harold Saunders, Misra writes pre-negotiation has two key purposes: *defining the problem* and *developing a commitment for negotiations*. These lead the parties to the third stage: *arranging the negotiations*. Prenegotiation is useful in presenting leaders with an opportunity to assess how negotiations might unfold without actually entering into them. This is also referred to as the *diagnostic stage* because in this stage leaders try to diagnose the risks and benefits of following the path to negotiation. India and Pakistan have engaged at this level several times but still failed to conclude their dialogue. They have actively pursued backstage diplomacy since 1971. The result is promises that are never implemented.

3. Negotiation: In this stage the parties will negotiate and discuss all aspects of the dispute(s) on the basis of the information and data gathered and exchanged in the previous stage of prenegotiation. Negotiation is a process of defining and reducing alternative positions until a unique combination acceptable to all parties is reached. The success of the negotiation process depends on whether it can be transformed into a positive-sum situation that in terms of net gains benefits all parties and makes them feel better off than they did before entering the negotiation. Factors that have a decisive influence on the success of any negotiations are: stability of the government, nature and vision of the leadership, composition of the negotiation team and their level of autonomy in decision making, and the relationship away from the table and venue of negotiations.

4. Agreement. Successful negotiations finally reach the fourth stage, the stage of the signing of the agreement. It is also possible that negotiations may end without having an agreement and therefore will resume on a later date or be scuttled for a long time. The only agreement of mutual benefit to both parties that still survives between India and Pakistan is the Indus Water Treaty of 1960. The rest of their agreements came to and end with the eruption of problems.

The major problem between India and Pakistani negotiators is that whenever the two sides meet to discuss Kashmir issue they are unprepared to trust one another. Other than in 1963, step-by-step negotiations have never occurred. The two

countries are unable to trust each other to cooperate and instead persist in competing with each other in an exploitative fashion.⁵⁴ Unfortunately, there is an enormous trust-deficit between these two countries. India-Pakistan is under influence of Saheli syndrome:⁵⁵ whenever these two countries politically engage with each other, they talk about everything good and make various promises, generating hysteria and high expectations. But the moment that they finish their political engagement, once again they start blaming and counter-blaming each other for all their internal problems. Then again after an interval they politically engage with each other and things occur in same fashion. This cycle has kept up since 1950s. Due to this behavior they have failed to maintain continuity in their bilateral dialogue and reach a conclusion on even a single issue. But still they cannot stop themselves from doing this exercise because they are geographically entwined.

There are two existing paradigm of Negotiation practiced by the Realists and Liberals respectively. The bargaining approach focuses primarily on states as represented by a group of negotiators who have specific national interests to be achieved. Generally these interests are assumed to be fixed and unitary and diplomat's task is to try to maximize those national interests that can be achieved. They issue threats and promises concerning rewards and punishment, which are in turn made credible by demonstrating that the states have sufficient capabilities to

54 Axelord, R. (1980). Effective choice in the Prisoner's Dilemma, *Journal of Conflict Resolution*, 24(1), 3-25.

55 In an ideal situation a girl named Saheli (meaning friend) and her friend behave in a particular way. One day they will spend good time together which will make both to think that, now, they have become good friends. But next day over some petty issue he or she will get irritated and stop any sort of communication between them. Things improve after a couple of days, when one of them takes the initiative and re-starts the communication process. As a result, once again both of them have a good time together. Then again after a while they stop talking. Things go on like this in their relationship. Despite all this they cannot afford to say a final good bye to each other because they like each other. Similarly, India and Pakistan have a good relationship, but then they will start fighting again and even go to war, then back again to the negotiating table, promising a good relationship in the future. And the cycle of this relationship has continued unchanged since the 1950s. They too, like Saheli and her friend, cannot afford to stop interactions and engagements between them. This is not because, like Saheli and his friend, they cannot part from each other; rather, whether they desire to do so or not they are destined to live together, forced to continue their turbulent negotiations.

carry out the punishments and rewards and by establishing a track record that demonstrates commitment to implement threats and promises: they forgo agreements that will produce benefits greater than the status quo or their next best alternative to an agreement if their potential competitors are perceived to be gaining more than they from the agreement. They will enforce the implementations of agreements including a unilateral right to renounce and violate an agreement for international institutions in verification and enforcement.⁵⁶

By contrast, problem-solving approaches to international negotiations are generally associated with a more liberal or institutionalist stance on international relations theory. The general argument of this perspective is that the goal of negotiation is to solve common problems that parties face and to try to find solution to those problems that will benefit everyone. A metaphor frequently employed by Roger Fish is that this perspective views negotiations not as a situation in which the two parties sit on opposite sides of the table facing off against one another but rather where both sit on same side of the table facing common enemy: the problems that need to be solved.⁵⁷

The India-Pakistan dialogue, whenever they get time to negotiate, is based on zero-sum game where one wants to gain at the cost of the other. This situation leads nowhere, terminating dialogue in middle of negotiations. Each blame the other for the failure of communication, while in reality both are equally guilty. Any problem-solving dialogue must be based instead on positive-sum approach, where the two countries must compromise by acknowledging each other's concerns and demands. By making these kinds of adjustments the dialogue partners can halt the rise of war-like situations. Dialogue is also a process which takes time and in which continuity is must. Problems must be discussed repeatedly before any conclusions are reached, as in the Indus Water Treaty—the only successful treaty between them—that was negotiated and discussed for eight long years before it was signed in 1960. The first step to resolve any form of conflict is to manage the conflict-resolution process itself, yet this is nearly impossible when the two countries have such a poor relationship. Both have failed to even manage problems, which has resulted in continuous tension and dispute. In addition to the above factors that have led to decades-old Kashmir issue still lingering, there are pro-active political and non-political groups in both countries who are against any sort of India-Pakistan rapprochement. Their interests are well

56 Hopmann, P. T. (1955). Two paradigms of negotiation: Bargaining and problem solving. In *The Annals of the American Academy of Political and Social Science*: 542(1995), 24-47.

57 *ibid*

served by the political tensions between the two countries. In Pakistan the main culprits are the Pakistani Army and Pakistan-based terrorist organizations, while in India the Hindutva group influences policy-making processes related to Pakistan. These groups have provided constant barriers to any breakthrough on the Kashmir issue.

The army is an omnipresent institution in Pakistan, controlling both domestic and foreign policies even during the democratically elected civilian regimes. The involvement of the military in public realm, is indicated by the induction, in 1948, of military officers in civilian administration. Pakistan's participation in the security alliances with the Western block during the Cold War further strengthened the capacity of the military. In 1958, General Ayub Khan carried out the first direct military intervention in Pakistan. It is believed that since 1952-53 he was prepared to constrain the political leadership in order to protect the military's institutional interests.⁵⁸ Afterwards, Pakistan has been destined to stay under the military rule, with a stopgap arrangement of civilian political leadership. Different constitutional measures adopted by the military consolidate its institutional presence and keep the political institutions in check so that they won't grow stronger. The military has come to identify itself with the state rather than seeing itself as just one key components of a constitutional state.⁵⁹

Due to its institutional interests the Pakistani army has always foiled the attempt by the democratically elected government to have some serious dialogue on Kashmir. Although during the military rule in 1963 and 2007 India and Pakistan undertook to resolve this problem, they failed. In order to establish itself and retain its institutional interests, the military will not let the problem die down easily. Since 1989, the military's association with the Pakistan based terrorist groups, who are fighting proxy war in Kashmir, is well-known fact. So, until this institution makes up its mind, Pakistan won't be in a position to have any form of a solution or compromise on the Kashmir issue.

The process of Islamization, or, better, Sunnisation, in Pakistan started under General Zia. The state began to invest in strengthening various Sunni institutions and opened a large number of *madarsas*. Pakistan's military and its elite intelligence wing, the ISI, undertook much of this effort.⁶⁰ Since that time the

58 Aziz, M. (2008). *Military control in Pakistan: The parallel state*. Oxon: Rutledge.

59 *ibid*

60 Nasr, S.V.R. (2000). Islam the state and the rise of sectarian militancy in Pakistan. In Christophe Jafferlot (Ed.) *Pakistan: Nationalism Without Nation*. New Delhi: Manohar Publishers.

radical forces have gained footholds in Pakistan. Gradually they took over the Pakistani state and become a major player in Pakistan's internal and external policy-making processes. They have their hidden agenda to keep the Kashmir issue alive in order to fulfill their self-interests. They have sympathizers in almost every political and non-political institution of Pakistan, keeping them in the forefront to stop any sort of solution of Kashmir issue between India and Pakistan. From time to time they declare jihad on India and now also issue *fatwas* against the liberal Pakistani elites and commoners. Sensing the growing threat from them in 2004 the Pakistani establishment launched an attack on them. In 2004 Musharaff pledged to prevent the use of the territory under Pakistan's control to support terrorism in any manner. It was first direct commitment of this nature since the Pakistani-backed armed insurgency in Kashmir began in 1989.⁶¹ Presently, the Pakistani state faces challenges from these elements. Earlier they were under the control of Pakistani army, which used to regulate them, but now it seems they are out of its control.

The army still contains members who have sympathy towards the causes of Islamic terrorists. In June 2011, the army was forced to investigate Brigadier Ali Khan for his ties to the militants of Hizb-ul-Tahir, a radical organization that seeks to establish a global caliphate and thinks that its mission should begin from nuclear Pakistan.⁶² Unless this umbilical chord is destroyed the situation in Pakistan will remain same.

In India, Rashtriya Swyam Sevak Sangh (RSS) and its family are the main Pakistan bashers. Shyama Prasad Mukherjee, a political ideologue of RSS and founder of Jan Sangh (re-christened the Bhartiya Janta Party in 1980) was a powerful advocate for the accession of the entirety of Jammu and Kashmir in India. He participated in anti-Sheikh Abdullah processions when the Sheikh was vacillating from his position to pass the accession treaty by the newly constituted Jammu and Kashmir assembly.⁶³ He died in prison in Srinagar. BJP has always been against any relaxation towards Kashmir and represents Hindutva politics in India. Ironically, Atal Behari Vajpayee, the a liberal face of BJP, is the most respected political leader in the valley. He was first to announce a unilateral ceasefire and invited the Kashmiri groups to have a dialogue in New Delhi. He went to Lahore and signed the Lahore declaration with Nawaz Sharief. In Agra

61 Hussain, Z. (2007). *Frontline Pakistan: The struggle with militant Islam*. London: Penguin/Viking.

62 Hudobhoy, P. (June 25-July 8 2011). Pakistan army divided it stands. *Economic & Political Weekly*, XLVI (26 & 27) 67-71.

63 Schofield, V. (2010). *Kashmir in conflict: India, Pakistan and the unending war* (1st South Asia ed.). London & New York: I. B. Tauris

too he and Musharaff were ready on certain formulae to resolve bilateral conflicts.

Besides BJP other political groups too, which are not under the tutelage of the RSS, have strong positions on Kashmir issue. Strong anti-Pakistan elements have a presence in almost all political parties and institutions, which forces them to not make any sort of compromise on Kashmir issue. The Indian bureaucracy does what their political masters tell them to do, so they cannot do anything to build or destroy the political relationship with Pakistan. Privately they may express their consent or dissent but professionally they have to carry out order of the political executives.

The next hurdle is the Indian media, which often behaves irresponsibly when it comes to dialogue with Pakistan. In Pakistan and India the local languages, other than English newspapers and visual media (even they start favoring hawkish things but less than the non-English language papers), always project Pakistan in bad light. Self-proclaimed experts on Pakistan create negative public opinion. During the Mumbai carnage the media declared war and created public opinion in favor of military strike on Pakistan, without understanding the gravity of situation and need of the hour.

What's Ahead?

Sixty-four years of mutual animosity have passed and it seems that more years will go by while these two countries refuse to either learn from history or make it. If they choose to do so, they could learn from various Kashmir-like situations existing in the past between various countries and examine the way those nations resolved their conflicts. One great example is Germany-France's rivalry over the occupation of coal and iron-ore rich Alsace-Lorraine.⁶⁴ For many years, both countries fought wars to establish control but after the end of Second World War they realized the futility of these wars. Now, nobody knows the exact

64 Alsace-Lorraine as a territory was created in 1871 by the Prussian empire.

This is a coal and iron ore rich area bordering Germany and France. Until the first World War this territory was under control of Germany but the Treaty of Versailles gave this territory to France. Due to being coal and iron rich area the Allied Powers wanted to keep this area away from Germany so that it could not re-emerge as a powerful country and pose threat to the world peace. But it was recaptured by Hitler and was under Germany's control until the end of second World War. Afterwards it was under possession of France. The conclusion is that afterwards Germany and France have never been at war or have any confrontation over the status of this territory. They understood the futility of the war exercise. The European Union too played a significant role in maintaining peaceful atmosphere in Europe.

political position and situation in Alsace-Lorraine.⁶⁵ Are India and Pakistan, who have already lost many precious lives over Kashmir issue, waiting for one more disastrous war to resolve this issue? The leadership must learn from this example and take steps to resolve this contentious issue.

Besides, in India and Pakistan there are also Kashmiri people who have different ideas about their territory. In both sides of Kashmir open and underground movements for a separate state have been going on for a long time. With imposition of AFSPA, and other draconian laws, the Indian Kashmir has turned into a cantonment and peoples' voices are suppressed. This has ignited strong separatist movement in Kashmir, which has kept growing since 1990.

In the Pakistani side of Kashmir one underground movement demands the creation of a state that includes Indian and Pakistani Kashmir but not Ladakh, a second group wants to include the Gilgit-Baltistan-Ladakh areas, and another seeks the creation of "Balwaristan" and wants statehood for Baltistan, Gilgit, and Dardistan.⁶⁶ This region has been under the tight control of Islamabad, which used to decide the head of the region. To address this issue in 2009 the Government of Pakistan passed an amendment called Gilgit-Baltistan (Empowerment and Self-Governance) order and now the local people shall elect the majority of members of the assembly.⁶⁷

Further, the two Kashmirs blame India and Pakistan for trade related and communication problems. At present trade takes place twice a week on a barter basis due to absence of banking facilities and is restricted to twenty-one items. Traders cannot meet each other. Those on the Indian side are in worse condition because of a twenty-one year ban on international dialing from Jammu and Kashmir to Pakistan. Hence the traders have to depend upon relatives from third country for trade.⁶⁸

Talking about an independent Kashmir is easy but it's not a viable idea. Given the India-Pakistan stake on this territory it's just impossible that the two countries could agree to create a buffer state between them. If, ideally, they agreed to do so then a Pandora box will be opened and many more regions from the two countries would start to demand independence. This policy is based on

65 Amitabh Matoo in a seminar at School for International Studies, Jawahar Lal Nehru University, New Delhi.

66 Cohen, S. (2005). *The idea of Pakistan*. New Delhi: Oxford University Press.

67 Subramaniam, N. (2009, September 15). Gilgit-Baltistan Autonomy Packages win few friends. *The Hindu*.

68 Joshua, A. (2011, July 19). Cross LoC trade and peace building. *The Hindu*.

Kantian and Cobban's logic that countries having trade relations do not go to war. Though this logic failed and the two World Wars and many others happened this theory still managed to unite Europe, ASEAN, etc. by making them to resolve conflicts and disputes between the member states. India and China have systematic and territorial disputes, also from time to time the Chinese face charges of water diversion or territorial invasion etc., but still they share positive relation on various fronts and are likely to cross the target of \$100 billion trade by 2015. Of course it takes time to reach agreements but the outcome of peace is highly preferable to the current state in Kashmir. For the border dispute in India and China there is a Joint Working Group and in 2003 they appointed special representatives. Every year this high profile group meets in each other country to discuss the border issue and the two countries are cooperating in other sectors.⁶⁹

Though at times some acrimony does erupt it is managed. They set up JWG on trade and commerce, supported by a Joint-Business Council that represents the business interests of the non-state and non-governmental sector in both India and China.⁷⁰ In energy sector, on January 12th 2006, during the visit by India's petroleum and natural gas minister Mani Shankar Aiyer to Beijing, an agreement was reached whereby ONGC Videsh Ltd and China's national Petroleum Corporation (CNPC) would place joint bids for promising energy project in other countries. Prior to this agreement, in 2005 India and China made a bid and got oil and gas fields in Syria.⁷¹ Another major institutional arrangement that India and China have come to terms with includes a trade agreement on the avoidance of double taxation between the two countries. Finalized in 1996, these terms put in place: (a) double taxation avoidance mechanisms; (b) provision of Most-Favored Nation (MFN) status extended to one another's sea borne trade commodities; and (c) combating the smuggling of narcotics and arms.⁷² Learning from Sino-India, Pakistan and India can even set up committees to look into various conflicts and in meantime engage each other economically, socially, and culturally. Due to various similarities, like common language, culture and history, and food habits—and also suffering from same kind of problems—it's easy for them to cooperate, if they want to, of course.

Conclusion

69 Athwal, A. (2008). *China India relations: Contemporary dynamics*. London: Routledge.

70 *ibid*

71 Vardarajan, S. (2006, January 24). India, China, and Asian axis of oil. *The Hindu*.

72 Athwal, A. (2008). *China India relations: Contemporary dynamics*. London: Routledge.

To conclude, India and Pakistan must know two facts: that they cannot afford another war and that they have to stay together because geography cannot be changed. So, why not stay peaceful and make both countries prosperous? Sixty plus years of rivalry have brought disaster to both countries. Due to their constant political and military tensions extra-regional players are very active in this region and dictate their terms over the policy-making process in these two countries. In order to resolve the Kashmir problem bold decisions must be made by the policy makers but frankly the political institutions and people from both countries are not ready to accept any form of compromise with their constructed archenemy. Exchanging territories is impossible so in that case let a *defacto* border to be turned into a *dejure* border. This suggestion has been given by many people in private, and even the ruling class from both countries accept the fact that this would be the best solution to resolve the long standing impasse over the Kashmir issue. These governments must build relationships in other areas such as trade, commerce, etc. and put this issue in political cold storage. The effect of extending their relationship into other fields will surely dilute the jingoistic feeling among the people from both states and they may then be ready to accept adjustments and compromises on Kashmir issue.

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