

Kashmir Conundrum

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Abstract

The problem of Jammu and Kashmir (Kashmir henceforth) is apparently one of the most complex of problems that we witness in the world today and its genesis arguably lie in the manner of subcontinents' partition in 1947. Both India and Pakistan claim full sovereignty over Kashmir, citing historical, geographic and demographic reasons. Irrespective of what now holds on the ground in Kashmir, Delhi and Islamabad still holds possession of it as a matter of national survival. But concurrently also emphasize willingness to pursue its resolution and say, are prepared to traverse extra-mile to alleviate sufferings of the people of Kashmir. Their resolve is usually captured in phrases like 'composite dialogue' and 'cross-border commerce' in specific and 'people-to-people-contact' in general. This has surprisingly however not effected any change in their fundamental position - neither Delhi nor Islamabad has formally budged from their old positions on Kashmir. Given this fundamental reality, the calls of early resolution of Kashmir look as doubtful as ever because without effecting fundamentals no solution is realizable. This paper attempts to shade light on prevailing Conundrum in Kashmir as a result and highlights the plight of ordinary Kashmiris sandwiched between two warring factions – the Indian security forces and Pakistan backed militia.

Keywords: Kashmir, Kashmiris, and warring factions.

1. Introduction

The contemporary India and Pakistan have unique peculiarities that hallmark them – some very different while others similar; and both differences and similarities have been pounding their politics/policies. Today India is held to be one of the fastest growing economies, attracting foreign capital investment and political appreciation. The World Bank elucidates: “With a population of more than 1.2 billion, India is the world’s largest democracy. Over the past decade, the country’s integration into the global economy has been accompanied by impressive economic growth. India has now emerged as a global player...”¹ In fact, erstwhile-colonial powers, these days, hardly show a sign of pausing and praise Delhi’s political maturity

¹ The World Bank: “India Overview”, <http://www.worldbank.org/en/country/india/overview>, (accessed on 27 September 2012).

and argue that if India continues the path of economic reform & structural adjustment, can further accelerate its growth and prosperity. Recently the US President remarked: "And as India makes the difficult reforms that are necessary, it will continue to have a partner in the United States" and added "there appears to be a growing consensus in India that the time may be right for another wave of economic reforms to make India more competitive in the global economy."² More importantly India is also being held as rare examples, where democratic system of governance been pretty successful, besides instilling a strong sense of belonging and participation among its masses to such an extent that elections are not just political events but political 'festivals' - having momentum of its own.

As far as major human development indicators go – education, health for instance – India has shown, it is argued, striking movement forward and has managed to lift millions of its people out of destitution. According to official figures poverty has declined from 37.2% in 2004-05 to 29.8% in 2009-10. Rural poverty declined by 8 percentage points from 41.8% to 33.8% and urban poverty by 4.8 percentage points from 25.7% to 20.9% over the same period. And this is arguably an outcome of government's pioneering investment into basic services to the poor: elementary education, basic health care, rural employment, roads and connectivity etc. Additionally, investment in vocationalization of education at middle/higher level - about 8 to 9 million people joining the labor pool each year³. On individual freedom and human rights front, India is being cast as a 'good polity' that can turn things around, if not else, but on account of the values propounded in Indian constitution.

² For more on the story see, "US Stands with India as it undertakes difficult reforms: White House", NDTV, <http://www.ndtv.com/article/india/us-stands-with-india-as-it-undertakes-difficult-reforms-white-house-269229>, (accessed on 27 September 2012).

³ The figures have been sourced from "The World Bank: India" home webpage, <http://www.worldbank.org/en/country/india/overview>, (accessed on 27 September 2012).

India however has a flip-side too. The ruling elites - the major beneficiaries of economic reforms, have been practicing questionable tactics and consciously ignore or turn blind eye towards the plight of millions of fellow Indians - enduring inhumane conditions, not very different that we witness in sub-Saharan Africa. India has a rare distinction of being home for the sizable number of billionaires⁴ and destitute, at the same time, unmatched by any other. According to the UN (2011), India ranks a low 134 among 187 countries on human development index and its standing is way behind several economically backward countries like present-day Iraq and the Philippines. The ruling millionaires, the historical upper castes, have over the years acquired political and financial conceit at the peril of commoners, leading to profound repression and violation of human rights of the masses. The entire political, corporate and cultural 'haves' have turned their backs on the commoners who bear all kinds of problems; at times even threat to subsistence, emanating from none other than State agencies. Tribes, Dalits, Sikhs, Muslims, and Christians have been enduring state violence in some form or the other, instigated by some factions of elites, for political or economical profits⁵. Ongoing repression and violent campaigns against the Naxals in central, eastern and southern parts of the country⁶; secessionists in Kashmir

⁴ According to the Fobs list of world's billionaires, 2012, India has 48 'US dollar billionaires' after the US, China and Russia. The complete list can be read at http://www.forbes.com/billionaires/list/#p_1_s_a0_All%20industries_India_All%20states_, (accessed on 5 October 2012).

⁵ For instance, politically motivated communal violence against Sikhs in northern India, including national capital New Delhi (1984), anti-Muslim pogrom in Gujarat (2002), and anti-Christians violence in State of Orissa (2008) in which thousands of innocents lost their life and livelihoods and till date no meaningful convictions took place.

⁶ For detail on actual nature, cause and effects of the ongoing Green Hunt offensive against Naxalism, see reportage by Shoma Chaudhury, "Weapons of Mass Desperation" Tehelka, Vol. 6, Issue 39, 03 October, 2009. Also see a report titled "Campaign against Operation Green Hunt" (2009), by Bannedthought.net, <http://www.bannedthought.net/India/MilitaryCampaigns/Condemnation/TamilnaduCampaignAgainstOGH-091228.pdf>, (accessed on 5 October 2012).

and north-eastern region, by the security forces⁷ is an indicator of the perception of ruling elites on people's issues. The issue whether of Naxalism or secessionism, according to critics, is a popular anger against repressive policies of the state and would not die down any time sooner⁸. The recently acquired economic prosperity has actually made the ruling elites not humbler but more repressive, leading to more violence and popular protest against it. It is in this contemporary context that we should view and appreciate Kashmir Conundrum and its non-resolution. The increasing economic prosperity led by handful of corporate in connivance with their political clones; ever widening gap between the haves and have-nots; and perceiving political problem of disenchantment with governing institutions merely a 'law-and-order-problem' are the behavioral pointers that need to be kept in view as we go on appreciating Kashmir Conundrum.

Present day Pakistan, on the other hand, is more insecure and unsettled than anytime in the past and the extent of insecurity runs across the system - top to bottom. An expert remark: "Pakistan is the most dangerous country on Earth. It has enough nuclear material for 60 to 100 bombs, an unstable government, a fragile economy, strong extremist influences in its military and intelligence agencies, and Al Qaeda & a half dozen similar groups operating inside the country. It is not a question of the security of the weapons; it is a question of the security of the government..."⁹ The ruling elites not only control economics and but command politics, by

⁷ The security forces operating in J&k and the North Eastern region of the country have been bestowed with swiping powers in the form of infamous acts like, the "Armed Forces Special Powers Act" and "Public Safety Act" and reportedly have led to excessive use of power and have caused thousands of deaths.

⁸ See for instance Roy Arundhati: "Walking with the Comrades", Outlook, 29 March, 2010 <http://www.outlookindia.com/article.aspx?264738>, (accessed on 6 October 2012).

⁹ The full text of interview titled as "Pakistan is the most dangerous country on earth", (2012) on Forbes; <http://www.forbes.com/sites/rahimkanani/2012/05/09/expert-pakistan-is-the-most-dangerous-country-on-earth/>, (accessed on 5 October 2012).

manning bureaucratic, security and media agencies. Even civil society groups are not beyond their influence, barring a very tiny element¹⁰. This has cumulatively affected badly the performance of governing institutions, leaving the commoners to their own fate - endangering safety and security of their life, liberty and property. Political institutions have been held to ransom by a minuscule 'haves' with active connivance of corporate that own a very large part of the national wealth. In fact, politics has become an enterprise to seek patronage and perpetuate existing power-relations and the political parties which meant to serve public interest actually now serve interests of the powerful. No political party in the country has remained unaffected from the virus of self-preservation, leading to national-decay, which is so apparent that many scholar now discuss/comment upon not as to whether Pakistan regain control of its future but on whether it can really survive in the short run¹¹.

The forces that command and control means of production, distribution and exchange are so powerful that they have now come to occupy prominent position in almost every walks of life notably, means of mass communication, the security apparatus and religious denominations - influencing popular beliefs, preferences and perspectives. The cumulative result of all these can be seen in the way governing institutions brazenly suppress, marginalize and terrorize ethno-religious minorities, civil rights activists, and women. The 'United States' International

¹⁰ This can be gauged from the fact that in the face of brazen atrocities committed against religious minorities like Christians, Hindus and Ahmadis, by the extremists; there has been no outcry. In fact, some lone sane voices that had emanated from the likes of governor of Punjab (Salmaan Taseer) and a federal minister for minority's affairs (Shahbaz Bhatti) were silenced; and the civil society did not adequately respond to it. This is so because of similar social character of ruling elites and civil society.

¹¹ Congressional Research Service (CRS): "Pakistan's Political Crises" authored by K. Alan Kronstadt, Federation of American Scientists (2008) <http://www.fas.org/sgp/crs/row/RL34240.pdf>, (accessed on 5 October 2012).

Religious Freedom Report', March 2012 catalogues: "The government of Pakistan continues to both engage in and tolerate systematic, ongoing, and egregious violations of freedom of religion or belief. Pakistan's repressive blasphemy laws and other religiously discriminatory legislation, such as the anti-Ahmadi laws, have created an atmosphere of violent extremism and vigilantism. Sectarian and religiously-motivated violence is chronic, and the government has failed to protect members of the majority faith and religious minorities. Pakistani authorities have not consistently brought perpetrators to justice or taken action against societal leaders who incite violence. Growing religious extremism threatens the freedoms of religion and expression, as well as other human rights, for everyone in Pakistan, particularly women, members of religious minorities, and those in the majority Muslim community who hold views deemed "un-Islamic" by extremists."

The frequency of violence against religious minorities like Hindus, Christians, and Ahmadis has actually weakened nationalism and strengthened crisis of national identity and as a consequence, Pakistan for many, has literally cease to exist as a modern progressive Islamic state they can do business with. Religious intolerance has moreover become its only national hallmark, giving lease of life to several fundamentalist groups which stand accused of fomenting terrorism in the region and beyond. It is indeed a widely accepted fact that State of Pakistan had used and still using religious radicalization as national and foreign policy instrument which has caused death of millions inside Pakistan while creating disturbances in the neighborhood.¹² It is

¹² Javaid Umbreen (2011). "Genesis and Effects of Religious Extremism in Pakistan", International Journal of Business and Social Science, Vol. 2, no. 7, Special Issue April, http://www.ijbssnet.com/journals/Vol_2_No_7;_Special_Issue_April_2011/30.pdf, (accessed on 5 October 2012).

this backdrop prevalent in Pakistan that we must keep in sight, as we analysis and appreciate current Kashmir conundrum and Islamabad's promise to abet its early resolution.

2. Kashmir of India

On 13 December of 2001, India's then Minister of External Affairs Mr. Jaswant Singh responding to a pointed question on Kashmir had this to say: "India's position on the State of Jammu & Kashmir is well known. The State is an integral part of the Indian Union. A part of the territory of the State is under the forcible and illegal occupation of Pakistan. Under the Simla Agreement and the Lahore Declaration, which are the cornerstones of India-Pakistan relations, both countries are committed to resolving all issues peacefully through direct bilateral approaches. There is no question of any third party involvement in any aspect of India-Pakistan relations"¹³. This statement makes clear India's Kashmir policy and three major strands can easily be discerned from: (a) an integral part (b) internal matter and (c) bilateral issue.

It is an integral part on account of its lawful accession to India - duly formalized and signed by the King of Kashmir, Raja Hari Singh¹⁴. After signing 'instrument of accession', India propelled the rise of a native leader, Sheik Abdullah and a democratically elected assembly endorsed 'instrument of accession', leading to finalization of Kashmir's integration into the nationalistic ethos¹⁵. It is because of all these; Kashmir has become and would continue to

¹³ Singh Jaswant: "Third Party Intervention in Jammu and Kashmir", Rajya Sabha debates - 113, December 2001:[http://rsdebate.nic.in/bitstream/123456789/23919/1/PQ_194_13122001_U2654_p105_p105.pdf#search="kashmir"](http://rsdebate.nic.in/bitstream/123456789/23919/1/PQ_194_13122001_U2654_p105_p105.pdf#search=) (accessed on 6 October 2012).

¹⁴ The full text of Instrument of Accession of Jammu and Kashmir to India (26 October 1947), (Historical Documents) at http://www.jammu-kashmir.com/documents/instrument_of_accession.html, (accessed on 6 October 2012).

¹⁵ Sheikh Abdullah's opening address on 5th November 1951 to the J&K Constituent Assembly in which he had articulated practical side of accession of Jammu and Kashmir to India and its full text can be read at, Jammu &

remain 'non-negotiable' issue. The national parliament has consequently held Kashmir a 'jewel of secularism' and has declared it an inseparable part of the nation. By logical extension whatever happens in Kashmir therefore is an internal matter and it is nobody's business to lecture on as to how to administer it. As far as New Delhi is concerned there is no problem between it and people of Kashmir. It believes that there is as much democracy as in any other parts of the country, and moreover granted an internal autonomy as was permissible under the law (Article 370). The people of Kashmir for New Delhi been ruling themselves by chosen representatives and it hadn't has any unconstitutional role to play in its politics. On top of it, if there happens to be any popular grievance the Central Government is always prepared to address it - within constitutional limits. Putting it mildly, Kashmir is purely an internal matter of India and no other country, near or far, has any business to meddle in it.

Surprising however is the fact that it was New Delhi which took the Kashmir dispute to the UN Security Council, which is now refusing to go away or difficult to wish away. The UN Security Council has several resolutions calling for peaceful resolution of Kashmir, specifically pointing towards conducting a popular plebiscite to decide eventual fate of Kashmir. The UN resolution of 13 August 1948 reads: "The Government of India and the Government of Pakistan reaffirm their wish that the future status of the State of Jammu and Kashmir shall be determined in accordance with the will of the people and to that end, upon acceptance of the truce agreement, both Governments agree to enter into consultations with the Commission to determine fair and equitable conditions whereby such free expression will be assured."

Kashmir: Historical Documents, <http://www.jammu-kashmir.com/documents/abdullah51.html>, (accessed on 6 October 2012).

But till date neither New Delhi nor Islamabad create conducive condition to hold the plebiscite, citing the pretext of 'x' or 'y'. Significant nonetheless is the fact that there is an international dynamic to Kashmir dispute which cannot be forgotten and the world community could not turn the blind-eye and shut the door permanently for the people of Kashmir. Given the fact that New Delhi and Islamabad now possess weapons of mass destruction and having expressed their desire to use them against the other; and Kashmir being the fueling cause behind ongoing arms race between the two, the world community cannot but be involved in Kashmir's ultimate peaceful resolution. It is an open secret that it is Kashmir dispute, none other, which has been holding India and Pakistan to ransom, due to which, still they have not been able to normalize bilateral relations and struggling to make sense of it.

Islamabad did attempt to resolve the dispute militarily in 1964 and 1972 but could not succeed. On the contrary it had to enter into an arrangement, known as the 'Simla Agreement', which effectively transformed the terms of engagement. The Agreement reads: "ii) that the two countries are resolved to 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 shall unilaterally alter the situation and both shall prevent the organization, assistance or encouragement of any acts detrimental to the maintenance of peaceful and harmonious relations..." It is this very agreement that has been cited repeatedly by New Delhi as more appropriate and productive. It is precisely because of this agreement that New Delhi sees Kashmir, as a 'bilateral' issue and there is absolutely no room for outsiders' involvement.

3. Kashmir of Pakistan

For Pakistan Kashmir is a territorial dispute, surfaced due to the manner British India was partitioned. According to Lt. General Talat Massod, a former Secretary for Defense Production: “The conflict over the princely state of Jammu and Kashmir has its origins in 1947 when British India was partitioned into two successor states of India and Pakistan, based on the acceptance of the two nation theory. Muslim majority states under dominion rule were allowed to exercise the right to join either India or Pakistan, but in case of the 565 princely states the decision rested with the rulers. Jammu and Kashmir (J&K), a Muslim majority state with a Hindu ruler geographically lay between the two countries. When in October 1947 an indigenous uprising supported by Pakistan tribesman occurred in J&K, and the freedom fighters were advancing on the then capital Srinagar, India rushed its forces and made the ruler, Maharaja Hari Singh, sign the Instrument of Accession. From the resulting Indo-Pakistan war of 1947-48, Kashmir was divided between Azad Kashmir and the Indian administered Kashmir which constituted nearly two thirds of the state”¹⁶.

Put differently, Pakistan believes that Kashmir’s absorption was an illegal act and the so called ‘instrument of accession’ a fraud. It points out that the people of Kashmir have not been consulted or gave their consent to amalgamation of Kashmir into Hindu majority India and therefore it is an open question - politically, legally and philosophically, yet to be settled. New Delhi too has accepted the fact of Kashmir’s ambiguous political fate, by asking the UN to intervene and committed itself in resolving it by a popular plebiscite. Eventually there happened ceasefire between the two armies and a ceasefire line emerged – the ‘Line of Control’ (LOC).

¹⁶ Massod Talat (2006). “Pakistan’s Kashmir Policy”, Central Asian-Caucasus Institute & Silk Road Studies Program, China and Eurasia Forum Quarterly, Vol. No. 4, pp – 45-49.

The LOC is a military line not political and hence cannot be accepted as a border between the two countries. A final political settlement is still pending and such settlement is to be arrived at by holding plebiscite.

Talat Massod again: “The right of self-determination was promised to the Kashmiris by India and when it decided to take up the matter to the UN, this pledge was reaffirmed by it through two Security Council Resolutions, UNSCR 47 of 1948 and UNSCR 80 of 1950. It was presumed that the control of the state of J&K to India was an interim arrangement and the ultimate fate of the state was to be decided through a free and impartial plebiscite to determine the wishes of the people. India, however, on one pretext or the other, has since reneged on its commitment of holding a plebiscite. India wants total control of the region. Pakistan’s position has been that J&K is disputed territory and India is in unlawful occupation of it and that the right of the people to determine their future on the basis of UN resolutions must be granted to them.”

In other words, Kashmir for Islamabad is not only a fostering territorial dispute but an international one; which can only be resolved with willing and meaningful participation of the people of Kashmir. The UN Security Council had taken the note of this and has passed several resolutions which can, if accepted sincerely, and executed adequately, resolve the dispute. Highlighting significance and relevance of the resolutions, Pakistan President, Mr. Asif Ali Zardari, while addressing UN General Assembly on 26 September 2012 said: “We will continue to support the right of the people of Jammu and Kashmir to peacefully choose their destiny in accordance with the UN Security Council’s longstanding resolutions on the matter.” Moreover, Islamabad holds that India occupation of Kashmir is illegal and holding its people for ransom-using fear, suppression and denying the right of self-determination. For Islamabad, Kashmir is not an internal matter but very much an international territorial dispute and the international

community has legal as well as moral obligation to see its early resolution - third party involvement is a viable alternative that can and should be explored. The often cited bilateralism as 'more appropriate' approach may be true; but this does not however mean, according to Pakistan, international dynamic is rendered futile or forgotten. On the contrary, both parties can jointly pursue resolution and willingly invite a third party to mediate.

4. Kashmir of Kashmiris

The important aspect of Kashmir often inadequately highlighted and understood is as to what actually the people of Kashmir want or expect from Delhi and Islamabad. As we have seen, India and Pakistan have made possession of whole of Kashmir a national-pride and have been indulging in all sorts of antics to keep it that way but hardly have attempted with some degree of sincerity to comprehend ground realities inside. Things have indeed gone too far to revert back to 1989 and/or 1947. Violations of civil rights and freedoms of Kashmiris is a routine affair marked by events like: forceful abduction, invasion of privacy, kidnapping, rape, psychological trauma, outright encounters and daylight killing of peaceful protesters. An Amnesty International report reads: "Impunity for abuses and violations remained pervasive. Despite ongoing protests in... Jammu and Kashmir, the authorities remained unwilling to repeal the Armed Forces Special Powers Act 1958, or revoke the Disturbed Areas Act, which grant security forces in specified areas the power to shoot to kill even where they are not at imminent risk... There was little political will to use existing special laws to prosecute perpetrators of such violence... Impunity prevailed for violations in Kashmir, including unlawful killings, torture and the disappearance of

thousands of people since 1989 during the armed conflict there. A majority of the killings of more than 100 youths by the security forces during protests in 2010 also went unpunished.”¹⁷

This is been a result of New Delhi deploying heavily armed security personnel in civilian areas, coupled with draconian laws like Army’s Special Powers Act and Islamabad abetted militancy in the state. Both Indian security agencies and Pakistan backed militia have indiscriminately been using force to oppress/suppress legitimate will of the people on excuse of preserving national interest. Using live rounds of firing on peaceful protesters, blowing people’s homes off just because they could not prevent surprise entry of some alleged militants into it; and planting explosive devices at public places including religious shrines and blowing off limbs and lives of innocents have been often reported modes operandi of Indian security agencies and Pakistan backed militias respectively. The Chairman of All Parties Hurriyat Conference, an amalgamation of groups that have been fighting for freedom writes in his letter to the UN Secretary General: “During last 20 years more than 100,000 people have lost their lives due to conflict. More than 7000 women have been molested and raped. 10, 000 men have been disappeared. 50, 000 children have been got orphaned. 30, 000 women have been got widowed. 200, 000 people have been tortured. And thousands buried in the unmarked graves and the mass graves of Jammu and Kashmir.”¹⁸ This may somewhat be an exaggerated account of the reality and is open for debate; what is nevertheless undisputable is the fact that thousands of people died

¹⁷ Amnesty International: “Annual Report 2012 (India)” <http://www.amnesty.org/en/region/india/report-2012>, (accessed on 8 October 2012).

¹⁸Geelani Syed Ali, All Parties Hurriyat Conference J&K, <http://www.huriyatconference.com/?JgBEAHUAcgBhAHQAaQBvAG4APQBVAE4ALgBhAHMAcAB4AC0AMwAxAA%3d%3d-V862AhGjk%2fg%3d>, (accessed on 8 October, 2012).

or disappeared under questionable manner. Recently even the State Human Rights Commission has acknowledged existence of mass graves in the state and has started investigating them.

There is one additional aspect to the saga of Kashmir that we must not lose sight of - Pakistan administered part, fashionably described as Azad (free) Kashmir. In Azad Kashmir Islamabad has not ironically allowed or ensured flowering of democratic aspirations of the people there. It neither promoted democratic governance nor has granted meaningful democratic rights to the people of the area. On the contrary has entrenched its central rule and disempowered local communities and consciously kept the area underdeveloped and underrepresented. The Human Rights Watch reports: "Power in Azad Kashmir is exercised primarily through the Pakistani army's General Headquarters in Rawalpindi, just outside Islamabad, and its corps commander based in the hill station of Murree, two hours by road from Muzaffarabad. It is widely understood in Pakistan and privately admitted by virtually all politicians from Azad Kashmir that the corps commander in Murree is known to summon the Azad Kashmir prime minister, president and other government officials regularly to outline the military's views on all political and governance issues in the territory."¹⁹

Islamabad incongruously though continues to accuse New Delhi of denying and violating civil rights of Kashmiris living under its control. Similarly New Delhi has maintained a façade of democracy in the state, while undermining it when suited its interest. This radiates vividly a fact that both New Delhi and Islamabad are more interested in land of Kashmir not necessarily the people - land is the main bone of contention than plight of people living on it. This reality is

¹⁹ Human Rights Watch: "With Friends Like These: Human Rights Violations in Azad Kashmir", 21 September 2006, <http://www.unhcr.org/refworld/country,,HRW,COUNTRYREP,PAK,,4517b1a14,0.html>, (accessed on 8 October 2012).

aptly revealed if we look at sheer number of forces deployed by both and vow to maintain them in face of growing resentment among the people of the state.

5. Kashmir and the International Community

One more associated strand of Kashmir dispute is the interest and involvement of the international community in general. While New Delhi detests involvement of international community; Islamabad continues to hold Kashmir as an international issue. The Kashmiris also have occasionally expressed desire of international community as potential mediator, leading to eventual resolution²⁰. The UN still maintains its presence in the region and can play more vivid and active role in facilitating resolution, if allowed. More significant and alarming also is the fact that both India and Pakistan possess nuclear weapons. In fact, a cursory look at their respective nuclear doctrines makes it plain that they are not really averse to press the N-button in the face of existential threat. A Pakistani analyst: “Nuclear weapons are a vital part of Pakistan’s military strategy. They have not only helped neutralize the military disadvantage as a result of the increasing conventional disparity vis-à-vis India, but have also prevented several wars in the region. In the first 25 years of its existence, Pakistan fought three full-scale wars with India, which eventually led to its dismemberment in 1971. In the following 40 years since work on the nuclear weapons programme started and subsequently when Pakistan acquired nuclear capability, there have been no wars between the two neighbors, except for the 1999 Kargil crisis that does not fall under the category of a conventional war.”²¹ Similarly, a former National

²⁰ The Hindu: “Third party mediation on Kashmir possible: Hurriyat”, The Hindu 20 May 2004, <http://www.hindu.com/2004/05/20/stories/2004052006561100.htm>, (accessed on 9 October 2012).

²¹ Sultan Adil: “Nuclear Weapon and National Security”, Editorial and Opinion, The Express Tribune, 27 May 2012, <http://tribune.com.pk/story/384907/nuclear-weapons-and-national-security>, (accessed on 9 October, 2012).

Security Advisor, Mr. Shivshankar Menon observes: "On at least three occasions before 1998 other powers used the explicit or implicit threat of nuclear weapons to try and change India's behavior... Since we became a declared nuclear weapons state in 1998, we have not faced such threats... We do think that we would be more secure in a world that is truly free of nuclear weapons. But until we arrive at that happy state, we have no choice and a responsibility towards our own people, to have nuclear weapons to protect them from nuclear threats."²² There may apparently be some difference between nuclear doctrines of India and Pakistan but the documents leave enough room for alteration, if required. Given these facts it is more than apparent: South Asia seats on nuclear short-fuse. Potential nuclear flash in the region is what bothering the international community and the dispute of Kashmir is 'the' fueling factor of it, directly and indirectly, both.

Besides nuclear worry, India and Pakistan together house largest number of destitute, homeless people, who have been enduring political violence. The governing institutions are extremely weak and have repeatedly found to be hand in glove with militant tendencies, producing much of the socio-political instability that we witness today. Of course, there has been noticeable progress, especially in India, but has not meaningfully debased caste/religious dominance. It is the upper caste 'haves' who successfully siphoned off major chunk of the pie, leaving the majority lower castes to their own fate. Communal violence is also very much alive and kicking, especially in urban centers. Pakistan too has largely failed in protecting its minorities on account of political expediency, leading to large scale persecution of Hindus,

²² Menon Shivshankar: "India subjected to nuclear blackmail before 1998 Pokhran tests: NSA Shivshankar Menon", The Times of India, 21 August 2012, http://articles.timesofindia.indiatimes.com/2012-08-21/india/33301915_1_nuclear-weapons-nuclear-blackmail-pokhran-tests, (accessed on 9 October 2012).

Christians, Shias, Ahmadis and women. The ruling elites in Pakistan have not really bothered to bring in lower class/caste people into the mainstream and share national wealth; on the contrary fanned religious fundamentalism and pitted weaker sections of people against huge odds - blocking their access to corridors of power. More striking and shameful is the fact that both New Delhi and Islamabad have been diverting scarce national wealth to security establishment, at the peril of inclusive social development. Billions of dollars have already been invested in defence machine and more is promised to be invested, if needed be. The ongoing nuclear weapons development and missile programs and resultant arms race in the region are a testimony to this fact:

India's still unfolding and celebrated - the Ballistic Missile Defence Programme – is aimed at deploying multilayered defense system to prevent a ballistic missile attacks emanating from countries like Pakistan or China. The system is a double-tiered and consists of two interceptor missiles, known as the Prithvi Air Defense missiles and the Advanced Air Defence missiles for high altitude and lower altitude interception, respectively. It is claimed that such two-tiered shield would most certainly intercept any incoming hostile missile launched 5000 kilometers away. Responding to India's successful missile program, Pakistan started its missile programme in 1989. The first project was the Hatf-I, a ballistic missile with an inertial guidance system, having range of 80 km and payload capacity of 500 kg. Later its improved version called Hatf-II with same payload but extended range of 250 km was produced. The latest battle-field range system to be produced is the Hatf IX *Nasr*, which can also carry a nuclear payload. However, Pakistan's first larger missile systems called the Hatf –III Ghaznavi with a range of 600 km and payload capacity of 500 kg was test fired in 1997 and being held as a major breakthrough. Beside it launched Ghauri series, liquid-fueled ballistic missiles - the first two

variants, being Ghauri-I and Ghauri-II, completed in the 1990s. The Shaheen series are solid-fuelled ballistic missiles - two Shaheen variants have so far been completed and made operational - the Shaheen-I and Shaheen-II; the Shaheen-III is believed to be under development.

It is this discomfoting context that bothers the world community which might easily lead to open conflict and can jeopardize regional security. The international community therefore ought to play not just 'active' but 'pro-active' role in resolving Kashmir – the single most important nuclear flash-point.

6. Conclusion

There is no doubt that Kashmir is one of the most dangerous and heavily militarized zones which can engender human and environmental catastrophe, if not diffused sooner - whether bilaterally or multilaterally. Both Delhi and Islamabad apparently aren't fine-tuning policy frameworks to resolve it in a time-bound manner, in spite of the fact that their policies have not produced any productive outcome so far. On the contrary have unsettled normalcy, destroyed socio-economic infrastructure, and undermined faith of the people in existing governing institutions. In fact, the presence of thousands of armed forces in civilian areas in both parts of Kashmir have fostered resentment on account of alleged crimes committed by security forces - kidnapping, fake-encounters, forced disappearances, sexual harassment of women and blowing off peoples' homes on mere suspicion. The manipulation of prevailing conditions by governments in Delhi and Islamabad for perceived advantage has also led to frightening level of distrust with regard to capability of governing institutions in addressing popular grievances, giving rise to militancy in the state.

The on-again–and-off-again trade & commerce happening over the LOC and some avenues of people-to-people contacts that have been opened up so far notwithstanding, Delhi and Islamabad have not really budged from their historical positions on the dispute raising several doubts. In fact, there is noticeable dearth of comprehensive, accommodative debates raging on eventual peaceful resolution of the dispute - both within political circles and in civil society groups, which has to happen if resolution of Kashmir were to come closer. Besides, both have consistently denied adequate and productive opportunity of participation to the people of Kashmir and sandwiched them between security establishment and the militias. As it is known, without willing and active support from the people of Kashmir, no solution can endure, even for a day. Given this fundamental reality, the calls of early resolution of Kashmir seem as doubtful as ever; because without effecting fundamentals no solution is realizable. Ordinary Kashmiris are paying the cost of (proxy) war between the two countries - with life, limb and livelihood, day in and day out. ‘THINK’ India and Pakistan ‘THINK’, before the night falls.