
The Antecedents of Pakistan-India Conflict: Challenges and Prospects for Solution

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Pakistan-India conflict, complex in nature, has its long history. From difference of ideologies and religions, enormous violence and killings during massive migration of masses at the time of partition of the sub-continent in 1947 and division of assets are some important irritants. The Jammu and Kashmir dispute, Siachin glacier dispute, Sir Creek and the Wullar Barrage/Tulbul Navigation Project are additional irritants that have intensified the Pakistan-India conflict. Pakistan-India bilateral relations have been on a hostage by these conflicting issues. The current research looks at the conflictual nature of Pakistan-India relationship while explaining the Pakistan-India conflict through the lenses of IR theory. The study has traced the origin of the territorial issues like Siachin Glacier Dispute, Sir Creek and the Wullar Barrage. The study has attempted to investigate prospects for solution of these disputes. This research has also probed initiatives such as the Tashkent Agreement (1966), The Simla Accord (1972) and the Lahore Declaration (1999) to enhance confidence and de-escalate the conflict between Pakistan and India. The primary objective of this research is to analyse the prospects for sustained peace through constructive dialogue and suggesting win-win solutions for the arch-rival neighbours fortified with nuclear weapons in poverty-stricken South Asia.

Introduction

Pakistan and India are indulged in conflicts since their independence in 1947. They have an adversarial relationship since their inception. Pakistan-India conflict is

preoccupied with burden of history, partition process, role of religion, different ideologies and nationalism. Consequently, this conflict has resulted into what T.V. Paul terms “enduring rivalry.”¹ To analyze the causes of conflict in South Asia, various reasons comprising of common perceptions and mistrust, self-image and image of ‘others’, the role of historians, the role of foreigners and the opposing strategic interests.² Development of South Asia has become hostage to India-Pakistan conflict because it is vital cause behind the economic backwardness and instability of the region. South Asian Association for Regional Cooperation (SAARC), founded in 1985, has not produced anticipated results due to bilateral conflict between two main economies of South Asian region i.e. India and Pakistan. The most intractable conflict in South Asia is Pakistan-India, which emerged with departure of the British. Though issues like Sir Creek, Siachin, Wullar Barrage, and terrorism exist yet Kashmir dispute can be considered the underlying cause of the Pakistan-India conflict.

Pakistan-India Conflict from the Prism of International Relations Theory

Before going to explain the sources of the Pakistan-India conflict especially territorial issues like the Kashmir, Siachen and Sir Creek, it is pertinent to look at the Pakistan-India conflict from the prism of international relations theory (henceforth IR theory). The Pakistan-India conflict has been explained from contending theoretical lenses of international relations. This section focuses on the theoretical explanation of Pakistan-India conflict especially the dominant paradigm of IR theory i.e. neorealism. Also, the section makes an attempt to identify any alternative explanation from the existing theoretical sources. This section ends with functionalist explanation of resolution of Pakistan-India conflict.

International politics, according to realism, is seen as conflictual in nature where all states maximize their powers and secure their interests in terms of their survival. Realism views international politics as driven by international environment that influences state’s actions.³ Therefore, international relations or inter-state relations, determined by actions of other states, are all about survival. And, cooperation between the states is on the basis of relative gains.⁴

Rajagopalan explains Pakistan-India conflict with the neo-realist perspective because the Pakistan-India conflict is rooted in natural imbalance of material power between Pakistan and India.⁵ This imbalance resulted into Pakistan’s insecurity that became as main cause of the Pakistan-India conflict. Though all realists consider anarchical nature of international system as the main cause behind ‘security dilemma’ and war yet classical realists term ‘human nature’ as key variable in explaining states’ behaviour in pursuing of power. However, Kenneth Waltz’ neo-realism focus on the

influence of international system in explaining the international politics and the behaviours of the states.⁶

Sridharan contradicts the neo-realist explanation of the Pak-India conflict and argues that the “nuclear behaviour of Pakistan and India do not match to the probabilities of the deterrence theory or of neo-realism”⁷ on the basis of three factors namely Indian late response to China’s nuclear initiative in the presence of state threat from China, Indian sluggish process of weaponization and deployment against Pakistan’s overt nuclear threat and India’s failure to defend itself against the likelihood of a disarming counter proliferation strike by China or Pakistan.⁸

Pakistani and Indian geopolitical interests have always barred them from effective participation in the course of regionalization of South Asia. According to Barry Buzan, Regional Security Complex Theory is described as “a group of states where primary security concerns link together sufficiently closely that their national securities cannot reasonably be considered apart from one another.”⁹ Consequently, owing to geopolitical concerns Pakistan and India have obstructed effective performing of SAARC. Till recent past what Indian policy towards its South Asian neighbours reveals the condition what Hedley Bull termed, as “the earnest worries of smaller units in the global system”.¹⁰

Mohammed Ayoob argues that the international order for the third world is characterized by more hierarchy than anarchy and the internal order by more anarchy than defined hierarchy. Subaltern realism discourses lack of any theory of state in neo-realism and its negligence of national variables concerning order and conflict. The increase of international conflicts is an extension of the multiplying of domestic conflicts in unindustrialized countries and can only be elucidated as the outcome of the procedure of state-building and nation-making.¹¹ The process of state-building intermingles with the dynamics of regional equilibriums and with transnational power competitions and global norms. Consequently, this process exports internal disagreements to the global structure.

This study argues for explanation of the managing of Pakistan-India conflict through the lens of neoliberalism, particularly using Functionalism proposed by David Mitrany and Ernst B Haas.¹² Regarding the resolution of the Pakistan-India conflict, this study attempts to investigate the relevance of functionalism in managing the Pakistan-India conflict. Neo-liberalism explained International Relations when economic cooperation between western European states stemming from coal and steel started to expand in other sectors. According to Neo-liberalism, military force remained no longer an instrument of foreign policy.¹³ Economic and social affairs have replaced issues of security and survival.¹⁴ Functionalism explains how economic cooperation at lower level paves the way for economic cooperation at higher level.¹⁵ This study uses functionalism regarding the management of Pakistan-India conflict. Resultantly, the study finds that Pakistan and India can initiate confidence building measures in various fields like culture, economic connections and address the less

controversial issues like Sir Creek and Siachen while the thorny issues like Kashmir Dispute should be discussed afterwards.

Kashmir Issue and Pakistan-India Conflict

The territory of Jammu and Kashmir is located in the northwest area of South Asia and shares boundaries with India, Pakistan, Afghanistan and China. It has an area of 85,806 square miles, which is separated by a line of control mutually agreed by Pakistan and India in 1972. An area of 46,916 square miles, in the North and West, is under Pakistan control while remaining area of 38,829 square miles is under the Indian Control.¹⁶

As per 1941 census, the total population of the state of Jammu and Kashmir was 4,021,616. 77 percent of this populace were Muslims, 20 percent were Hindus, 3 percent Sikhs and others while the 1981 Indian census showed the total population of the Indian controlled Kashmir was 5,987,389. It comprises of 64.2 percent Muslims. 32.25 percent Hindus, 2.23 percent Sikhs, Buddhists, Christians and Jains.¹⁷

Rinchan, a Buddhist ruler of Kashmir embraced Islam in 1320.¹⁸ The Muslim rule lasted for five centuries from 1320 to 1819. In 1820, Ranjit Singh confirmed Gulab Singh as Raja of the State of Jammu. This provided the base to Gulab Singh who proceeded rapidly to build up a small empire of his own. He captured Ladakh and Baltistan in 1830's and 1840 respectively. Due to his neutrality during the first Anglo-Sikh War, the British granted Gulab Singh the dominion over the valley of Kashmir.¹⁹ In 1846 the Sikhs had been indebted to cede Kashmir to the East India Company. However, the Governor General, Harding instantly shifted it to the ruler of Jammu under the Treaty of Amritsar of 16 March, 1846 for the sum of Rs.75,00,000 (about 500,000 British Pound).²⁰ In this way the Dogra Dynasty was established at Jammu and Kashmir in 1846, which lasted till 1947.

Kashmir was one of the 562 princely states. Under the partition plan, all princely states were given two options either to accede to India or to Pakistan. However, rulers of these princely states were supposed to make their decisions keeping in view the geographical contiguity as well as aspirations of the population of their states.

In 1947 the Muslims comprised 79 percent of the whole population of Jammu and Kashmir while almost 93 percent in the Kashmir valley.²¹ The state had closely links with the then west Pakistan due to a variety of factors including as the common religion while the only road and rail links with the outside world through Pakistan. Telegraphic and mailing services also passed through Pakistan. Also, the tourist traffic to Kashmir, key source of income for Kashmiris, could only come via Rawalpindi. Similarly, the Jhelum River was the chief way through which timber could be floated down to export.²² Hari Singh, the then Maharaja of Kashmir, desired

to accede with India in contradiction of the aspirations of the bulk of the Muslim populace while ignoring the geographical contiguity of Jammu and Kashmir as well as communal interest of the population of the state. He made an offer of a standstill pact simultaneously to India and Pakistan to retain communication and supplies. Pakistan accepted the pact while India declined it.²³

Now, the Maharaja adopted a planned strategy. A Dogra, Nanak Singh, replaced the Prime Minister of Kashmir Ram Chandra Kak, having an inclination to an independent Kashmir and signed a standstill pact with Pakistan. Later, the nominee of the Congress Mehr Chand Mahajan replaced Nanak Singh. Meanwhile, the Maharaja ordered the Muslims of Jammu and Kashmir to deposit all the arms that they possessed. As counter-measure to the Maharaja's effort to disarm the Muslims, a guerrilla drive began and got vigor among the *Poonchis* who were former army men and already worked in the British Indian army during the Second World War. Gupta has found that of the 71,667 citizens of Jammu and Kashmir who served in the second World War, 60,402 were Muslims belonging to Poonch.²⁴ This situation attracted tribesmen from the northwestern part of Pakistan who arrived Kashmir to support Kashmiri Muslims.

On 24 October 1947, the Maharaja requested Indian government for military assistance. The Indian government sent V.P. Menon was sent by the Indian government to observe the circumstances in response to the request of the Maharaja. At the dawn on 26 October, Menon escorted by the Prime Minister of Kashmir Mr. Mahajan returned to Delhi in the morning of 26th October 1947, while Maharaja along with his family left Srinagar for Jammu. The Maharaja sought military assistance in a letter addressed to the Governor General of India, Lord Mountbatten, on 26th October and given it to Mr. Menon along with a signed Instrument of Accession who brought it to New Delhi. The recent research work of Alastair Lamb has revealed that India had sent its troops to Kashmir even before completion of the procedure of compliance. Alastair Lamb has described it in the following words "... All accounts, however, agree that in the early morning of 27 October an airlift of Indian troops to Srinagar began If Maharaja's description of his travels is true, and he was quite emphatic that he refused to return to the State until Srinagar airfield was firmly in Indian hands, then it would appear that the Indian intervention actually took place before the formalities of Accession had been completed."²⁵

India acknowledged the accession provisionally that a plebiscite was to be held under the global patronage to determine the aspirations of the people. Lord Mountbatten's correspondence dated on 27th October in response to the Maharaja's letter of accession is worth mentioning in this regard.

"In the special circumstances mentioned by your Highness, my government has decided to accept the accession of Kashmir State to the Dominion of India. In consistence with their policy that in the

case of any State, where the issue of accession has been the subject of dispute, the question of accession should be decided in accordance with the wishes that, as soon as law and order have been restored in Kashmir and her soil cleared of the invader the question of the State's accession should be settled by a reference to the people."²⁶

Kashmir Dispute at the UN

In the wake of Pakistan-India warfare broke out on 1st January 1948, India raised the Kashmir question at the United Nations. It lodged a complaint to the Security Council of Pakistan's assault on an area, which had acceded to India legally. It is noteworthy that Indian complaint was based on the Article 34 and 35 of the Chapter six "Pacific Settlement of Dispute" of the UN Charter. India did not complain on the basis of Chapter seven that concerns with acts of aggression.

The UN Security Council founded the UN Commission for Pakistan and India (UNCIP) on 20 January 1948 in order to investigate the facts. On the recommendations of the UNCIP, the Security Council adopted different resolutions containing measures to terminate the fighting and hold a fair referendum in Jammu and Kashmir. However, resolutions of August 13, 1948 and January 5, 1949 have great importance. These resolutions have sketched the Security Council's stand on the Kashmir dispute and provided framework for resolution of the dispute. However, the Security Council adopted a political solution rather than taking a judicial evaluation of the complaints of India and Pakistan. It suggested a roadmap containing abandonment of forces, referendum and provisional government in Kashmir.²⁷ Pakistan was requested to remove all the tribesmen and its citizens from Kashmir while India was allowed to keep smallest power to support the government of Kashmir in the referendum.²⁸

Under auspices of the United Nations, the UNCIP took several initiatives to mediate between Pakistan and India. India was adamant to her stand on the plebiscite question while Pakistan refused to accept any formula with minor adjustment that maintain status quo.

Kashmir dispute is main irritant between Pakistan and India. The whole gambit of their bilateral relationship has been dictated by the Kashmir dispute to the great extent. Despite Tashkent Agreement (1966) and Simla Accord (1972) were the important initiatives, though taken as result of end of war, yet no major breakthrough came out except showing willingness and commitment to negotiations and belief in settling the conflicting issues through dialogue. The Simla Accord

redefined ceasefire line in the wake of end of December 1971 war and renamed Ceasefire Line (CFL) as Line of Control (LOC). It obliged both countries not to interfere in internal affairs of each other and alter their boundaries unilaterally.²⁹ It is notable that India and Pakistan have different interpretations regarding the Simla Agreement. Indian claim that Simla accord prevents both countries to raise the Kashmir issue at multilateral forum is not valid. According to the Simla accord, the UN charter has been recognized as the principal framework to govern the relations between Pakistan and India.³⁰ Therefore, the UN charter is supreme to any bilateral or multilateral agreement and testifies Pakistan's argument that the UN resolutions are relevant to Kashmir issue.

Kashmir Issue after 9/11

Since 1947 the Kashmir issue has been the cause of tense relations between India and Pakistan. It is playing role of constraint in the road to peace between India and Pakistan. India started to project freedom movement in Kashmir as the movement of fundamentalists after disintegration of former Soviet Union. The 9/11 was the last factor that had great impact on freedom movements carried out by the Muslims against their subjugations. Kashmir freedom movement was not an exception to it. After assault on Indian parliament in December 2001 India charged Pakistan for sponsoring terrorism and supporting terrorists in Kashmir.

Islamabad considers any breakthrough in the Indo-Pak stalemate on the Kashmir issue as crucial for peace in South Asia. Nonetheless, New Delhi has different perceptions. For Pakistan, Kashmir is vital subject and should be resolved under the UN resolutions.

Previously, India was willing to the solution as per the UN resolutions. However, it altered its stance later presenting different excuses. After giving special status in her constitution under Article 370, India terms Jammu and Kashmir as its integral part. The standoff between India and Pakistan is prevailing because both countries have divergent preferences. Therefore, it is time for both Pakistan and India to test any alternative approach to improve their bilateral relations. In this regard, economic cooperation is an appropriate tool for establishing mutual stakes and managing the conflict to the extent when both parties will be able to resolve their conflicts amicably.

Among the masses of Kashmir three groups of public opinion can be found. These include the nationalist, the religious and the secular. The nationalists, influenced by Ammanullah Khan's the Jammu and Kashmir Liberation Front (JKLF), desire for independence. They do not accede either with India or Pakistan rather wish to restore the "*Kashmiriyat*" or the true honour of the people of Jammu and Kashmir.³¹ The religious sections led by the Hurriyat Conference want accession to Pakistan.

According to them, Islam is the mutual connection between the Muslim majority of Kashmir and Pakistan. On the other hand, the Hindu Kashmiri groups of the Bharatiya Janata Party (BJP) and the Shiv Sena, wish to cancel Kashmir's special status as conceded in article 370 of the Indian Constitution.³² The secular Kashmiri group encompass the Jammu and Kashmir National Congress and offshoot of mainstream Indian political parties as the Congress and National Front want to retain with India.

Kashmir has been an important issue at the agenda of negotiations between India and Pakistan. The inflexible conduct of Pakistan and India regarding the Kashmir issue has determined the ups and down in their relations. Pakistan considers Kashmir dispute as the core issue that determines the cordial relation between the two countries. India does not consider the Kashmir dispute as the major issue because it gives equal rank to other issues such as mutual trade, confidence building measures, economic challenges faced by the two countries and terrorism.

Pakistan has unofficially modified her policy regarding Kashmir recently in two aspects. Firstly, Pakistan does not expect accession of whole state of the Jammu and Kashmir including Jammu and Ladakh. Secondly, it wants to emphasize resolution of Kashmir as per UN Resolutions till this issue is resolved. Regardless of statements issued by India claiming that legally the whole of the state of Jammu and Kashmir belongs to her, India does not realistically anticipate to incorporate Azad Jammu and Kashmir and the Northern Areas into India.³³

Lack of a framework for solution of Kashmir has been a major obstacle in the cordial relationship between Pakistan and India. They should adopt step-by-step approach to resolve their conflicting issues and build up mutual trust and confidence between themselves. In this regard bilateral trade may be initiated as good starting point. Economic Confidence Building Measures (CBMs) have contributed to elimination of major inter-state conflicts like Germany-France conflict. Pakistan and India can enhance the economic confidence building measures and "increase the range of CBMs by widening it to health, medical tourism, infrastructure and economic cooperation."³⁴

Siachin Glacier Dispute

The Siachin glacier is an important source of conflict between Pakistan and India. Both countries have contrasting claims over this glaciated area of almost 3000 square kilometres at 5,000 meters above sea level which is located at the eastern Karakorum mountain range.³⁵ The origin of the Siachin row can be found in the April 1984 military operation in locality of the Siachen Glacier under code-name of *Meghdoot*. This operation caused armed conflict between Pakistani and Indian troops over there which finally reached the existing stage of disagreement. As result of

this fight, India controlled most (two third) of the 74-Kilometre long glacier and occupied the high ground in two of the three passes (SiaLa and Bilafond La, also called Saltoro Pass). India got access to the southern rim of the glacier through the Saltoro range. Pakistan occupied the best position in the GyongLaPass, overlooking the Nubra river valley and India's access route leading up to glacier from Leh.³⁶

The origin of the Siachin dispute lies in Kashmir dispute. The LoC (Line of Control), drawn up following the Simla Agreement, defined the Line's northern extremity in the same way as it was in the maps of 1949 CFL (Cease Fire Line). The 1949 description reading: "Then northwards beside the border line crosses point 18402 up to NJ 9842". It stopped at NJ 9842 and did not extend further to the glaciers. This area was inaccessible to the extent that no fighting took place during hostilities in Kashmir in 1948.³⁷ The descriptions to the 1972 maps, like the 1949 agreement, referred the glaciers in establishing LoC. The words describing the northeastern extremity of the line of control (LoC) of 1972 were left as vague. From Chorbatla in the Turtok Sector, it said, "the line of control goes northeastwards to Thang (inclusive to India) then eastwards going the glaciers."³⁸ However, there was no LoC in the Siachin Glacier afar NJ 9842. The Simla agreement, under its paragraph 1, prohibits both countries to "alter the situation unilaterally" in case of the emergence of any problem between the two countries.³⁹

Robert G. Wirsing, a longtime researcher of the Siachen case, discusses the genesis of the Siachin glacier dispute in these words:

What is widely known about events led to the eruption of aggressions in the locality of the Siachen Glacier in the winter of 1983-84 does not provide inexplicit indication that either Pakistan or India was the aggressor? Exactly who shot first is perhaps difficult to decide. There is sufficient proof, however (actually, there is no argument about it), that Indian armed forces were the first to establish permanent posts on the glacier while preparing themselves for the assignment. Issued Indian descriptions of Operation *Meghdoot* (the placement of special qualified Indian forces on the glacier in mid-April 1984) leave tiny space for disbelief, actually, the Pakistanis were fixed drowsing and that their prime plan for reinforcing Pakistan's assertion to the glacier-sponsoring external hiking trips to the region had not succeeded.⁴⁰

Since 1984, forces of the countries have indulged in fighting and Siachen glacier area has become the highest battlefield in the world. Of all disputes between Pakistan and India, resolution of Siachin issued is considered as relatively easier and closer to win-win formula for both the countries. In 1985 it was agreed to hold talks on Siachin at defence secretary level. Consequently, various meetings were convened. However, the two countries agreed to an understanding during fifth set of dialogues held in

June 1989. According to Robert G. Wirsing initial viewpoints of both parties during the fifth round of talks June 15-17, 1989 were as follows: -

The Indian terms were:

1. Cessation of "cartographic aggression" by Pakistan;
2. Establishing a demilitarized (DMZ) at the Siachin Glacier;
3. Interchange between Pakistan and India of authentic drawings displaying existing military outlooks in the field;
4. Delineation of a border from chart reference point NJ 9842 northward to the boundary with China on the basis of ground realities";
5. Devising of ground procedures to oversee military tasks in the region, and;
6. Relocation of Pakistani and Indian forces to commonly decided locations.

Contrary to it, Pakistan's formal terms were fewer in number. They contained only two essential points:

1. Deployment of Pakistani and Indian forces to commonly approved pre-Simla situations; and afterwards
2. Demarcation of an addition of the LoC ahead to NJ 9842.⁴¹

Thus, 1989 agreement provided opportunity to resolve this issue that was less controversial. However, during 1992 talks Pakistan expected implementation of 1989 agreement while India demanded 'authentication' of the current positions occupied by the armed forces, a line of control in 'the zone of conflict' and the right to establish a 'civil post' in the area.⁴² During the technical talks held in November 1992, Pakistan and India agreed to withdraw to Goma and Dzingrulma respectively, paving the way for the creation of a "zone of disengagement" in the Siachen area. They also decided that reconnaissance was to be done by helicopter. Later, when issue of surveillance was at the agenda of talks between the two countries, India suggested 'bilateral monitoring system' while Pakistan proposed 'international monitoring mechanism.'⁴³ However, no formal agreement concluded due to mutual distrust of the conflicting parties.

Siachen issue, like other conflicting issues, has been at the agenda of talks between Pakistan and India over the years but no solution has yet been achieved. Resolution of Siachen issue lays in the implementation of June 1989 agreement. However, lack of political will on the part of leadership of both countries is an important barrier. Political leadership of the two countries prefers their short-term interest in maintaining their vote bank to remain in power. India's denial to go forward with proposed agreement of June 1989 and Pakistan's linking of Kashmir issue with solution of Siachen dispute displays lack of commitment of political leadership of the two countries towards settlement of their bilateral issues.

Sir Creek

Sir Creek is 96-kilometre lengthy belt of water in the swamps of the Rann of Kutch of the River Indus. It is situated at the border between Sindh province of Pakistan and the Gujarat state of India. The two countries have been trying to resolve this issue yet Sir Creek awaits the final settlement. Like other issues, Sir Creek has also been on agenda of talks between Pakistan and India. The Sir Creek is considered as the least controversial issue between Pakistan and India and it is the issue where the two countries have reached closer to the final solution. On the sidelines of 14th SAARC Conference held in New Delhi on April 2, 2007, both countries had announced to have a common map. On basis of this map they were ready to move forward to seek solution of this issue.⁴⁴ However, Sir Creek has not been resolved due to prevalence of traditional issue of trust deficit and lack of political will. Pakistan and India had different assertions over the Rann of Kutch after 1965 war. Pakistan asserted over half of the Rann alongside the 24 parallel while India contended that the borderline went approximately by the north point of Rann. The boundary issue was referred to international arbitration after the war. India-Pakistan Western Boundary Case Tribunal gave its verdict on February 19, 1968. The award reinforced Indian claim over 90 percent of the Rann whilst acknowledging residual 10 percent region to Pakistan.⁴⁵

The dispute arose when both countries agreed before the tribunal to restrict it only to the northern edge. In the south, an agreed boundary lays that begins at the head of Sir Creek and runs a short distance eastward almost along the 24th parallel. India claims that this line moves up sharply at a right angle to congregate the northerly borderline of the Rann. Contrary to it, Pakistan holds that the line moves further eastward while claiming half of the Rann along the 24th parallel.

Pakistan and India discussed Sir Creek for seven times till December 1998. Pakistan proclaims the eastern brink identified by a green line to form the border. India's recognition of it will empower Pakistan to expand its Exclusive Economic Zone (EEZ) by approximately 250 square miles. The direction of borderline approaching to the coastline may create differentiation of several nautical miles when pushed as separator between Pakistan and Indian areas.⁴⁶ New Delhi considers the mid-channel as proposal for maritime boundary. Islamabad considered mid-channel as applicable only to navigable channel. However, Sir Creek is not navigable. For the two countries demarcation of the land boundaries becomes meaningful once the borderline is stretched towards sea to allocate maritime border between Pakistan and India.⁴⁷ The borderline has an impact on allocation of marine resources comprising fish and minerals between Pakistan and India. India has recommended to precede from the land boundary of the EEZ threshold to a 'jointly suitable threshold' that can be overseen by the globally recognized Technical

Aspect of the Law of the Sea (TALOS).⁴⁸ Pakistan rejected this proposal contending delimitation of the land borderline in the Sir Creek area and demarcation of its seaborderasindivisible.

Resolution to the Sir Creek dispute needs mutual accommodation based on give and take. This region has got geo-economic and strategic importance as some reports have revealed presence of oil and gas in the region. Due to stubbornness in their attitudes, India and Pakistan are not able to resolve this issue. It is compromising attitude displayed by both the countries, which can bring solution to bilateral conflicting issues.

Water Issues: Wullar, Kishenganga, and Baglihar Projects

Since its independence in 1947, Pakistan and India are indulged in conflict related to water issues especially after stoppage of water supply to Pakistan by India in April 1948. Repeated rounds of negotiations between Pakistan and India eventually headed to the signing of the Indus Waters Treaty (IWT) of 1960 under the sponsorship of the World Bank. The IWT assigned three eastern rivers including the Beas, the Ravi and the Sutlej to India while allowing unrestricted usage of waters of the eastern rivers.⁴⁹ Pakistan was assigned unrestricted use of the three western rivers including the Chenab, the Indus and the Jhelum.⁵⁰ However, the IWT restricted India to let the western rivers flow into Pakistan without any interference.⁵¹Contentionregarding river supplies has been a protracted source of bilateralstiffness between Pakistan and India. Escalation of conflict over water issues may increase likelihood of armed conflict between them.

The first significant water issue between Pakistan and India is a proposed dam on the river Jhelum. India names it as the Tulbul Navigation Project while Pakistan labels it as the Wullar Barrage dispute. The Jhelum streams into the pond from the South and drifts out of it from the West. Therefore, pondinhibitscourse of the river; hence title Wullar, derivativeof the Sanskrit word '*woll*' means obstruction, has been given to it.

In early 1980s the government of the Indian controlled state of Jammu and Kashmir started to construct a dam on the Jhelum River at the opening of Wullar Lake that is located atalmost 5,180 feet above sea level and roughly 25 kilometres in the north of Srinagar. The river Jhelumenters the lake from the South and driftsaway from the West. Details of the proposed project reveal that it comprises a barrage of 439 feet in length along with two under sluices and 12-metre wide navigation lock. On its completion, the barrage would have 0.3 to 0.5 million-acre feet (MAF) water storage capacity along with a discharge capacity of 50,000 cusecs. The level in the pond can be elevated and retainedheight of 5,178 feet above sea level.⁵² Finding the project in excess of given limit under the Indus Waters Treaty of 1960, Pakistan,

being a lower riparian state, raised the issue in the Commission in 1985 arguing the construction of the dam against the principles of the 1960 Indus Waters Treaty but in vain.⁵³

Though India was allowed the non-consumptive usage of the western rivers and their connecting lakes such as Wullar, yet the present dispute emerged due to conditions attached to it. According to the Indus Waters Treaty, India has been forbidden to accumulate any water or build a pool on the western river that may result into diminishing of level of water. In the wake of strong protests made by Pakistan India suspended work on the Wullar barrage. Regarding settlement of this issue Pakistan and India started negotiations since 1988. There are media reports that both the countries reached closer to a settlement and agreed to a draft agreement. DAWN, a renowned Pakistani newspaper reported about the development towards such an agreement on September 22, 1989 in these words;

“India is willing to relinquish 0.30 million acres [ft.] Of the whole general storing volume at the Jhelum branches, permitted to it according to the Indus Waters Treaty, if Pakistan gives it the consent for the building of the Wullar Dam. The total storage capacity of the dam is equivalent to the storage capacity India is prepared to forgo”.⁵⁴

On February 9, 1992, Pakistani newspaper, the News published the following report:

Pakistan has shown willingness to a negotiated resolution about the Wullar Dam with India, permitting it to construct controversial dam if India is ready to retain 6.2 m. of the building as unmeasured with peak level at EL 1,574.90 m., waive allowed to it on the Jhelum, and does not build the Kishenganga (390 mw) hydro-power generating unit, highly placed sources disclosed. India has agreed to relinquish the first two points but compromise on the Kishenganga venture is yet to be achieved.”⁵⁵

The Wullar Barrage/ Tulbul Navigation Project is on the agenda of Pakistan-India negotiations and it is one of the eight issues identified by Pakistan and India for the Composite Dialogue yet no breakthrough has resulted. A key reason behind this stalemate is attachment of resolution of one issue with the other issues especially Kashmir. Therefore, Pakistan and India should change their stereotype approach towards normalization of their bilateral relationship. They should initiate a process of economic cooperation to establish economic interdependence. Consequently, this sustain economic interdependence will lead towards the settlements of political irritants between them.

Another water dispute between Pakistan and India is Baglihar hydroelectric power project. India started this project in 1999 with a dam at Baglihar upstream from the Salal dam. Pakistan contended that the reservoir at 37.722 mm was in excess of the limit prescribed in the Indus waters Treaty.⁵⁶ Also, the dam at the height of 470 feet is excessive in its stipulated limit given by Indus Waters Treaty. The Baglihar dam with these specifications will give India leverage for maneuvering the flow of waters of the Chenab River during the critical wheat of growing period from December to February. The effect of essential existing disagreement over the Baglihar issue has wider repercussions for future controlling of imperative water issues between Pakistan and India as well as for complete outlook of upcoming Pakistan-India relations.

Pakistan and India held series of negotiations from 2001 to 2004 at the level of Permanent Indus Commission but the stalemate remained as unbroken. Consequently, the matter was discussed at the level of government secretaries in January 2005 but it proved as unsuccessful. As second level of mechanism of dispute settlement under Indus Waters Treaty, issue of the Baglihar dam was recommended to the World Bank invoking article IX of the IWT for appointment of a neutral expert. Raymond Lafitte, neutral expert appointed by the World Bank, in his verdict given on 12 February 2007 endorsed three of the four Pakistani objections. Consequently, India had to reduce the height of the dam by 1.5 metres and size of poundage by 14 percent.⁵⁷ However, Indian view regarding the spillway gates and power generation capacity of 450-MW was maintained. Thus, dispute over Baglihar was resolved through the mediation process in 2007.⁵⁸

In addition to it, Pakistan and India also have controversies about India's Kishenganga power project on the Jhelum River. Pakistan and India are also discussing the Kishenganga power project at the level of the Permanent Indus Commission since 2005 but the issue is still lying in the arbitration court under mechanism of the Indus Waters Treaty system and no compromised has yet been achieved.⁵⁹

Conclusion

Pakistan-India relations are captive to burden of history. Antagonistic attitudes emerged due to bitterness of the partition process, positive self-image, negative perceptions about each other and trust deficit are central stumbling blocks on the road to sustained and durable relationship between these two major countries of South Asia. Key to unlock prevailing stalemate between Pakistan and India lies in the fact that the most convoluted irritant i.e. Kashmir issue should be resolved. For

sustainability of peace in South Asia both Pakistan and India should go for out of the box approach to settle their bilateral issues. It is only possible when both parties adopt win-win approach to accommodate each other.

Issues like Siachin glacier, Wullar barrage or what India calls it, as Tulbul Navigation Project and Sir Creek are relatively easy to resolve. Their proposed compromises or drafts have been under the discussions between various levels. Regarding Siachin glacier different proposals like 1989 draft agreement⁶⁰ have been under discussion that has proposed a framework for solution of the issue. Though Pakistan and India both repudiated it yet it can be a point of reference for settlement of the Siachin glacier dispute. Likewise, Wullar barrage can also be resolved under the mechanism of the 1960 Indus Water Treaty. And, both Pakistan and India have reached to the conclusion of an agreement to resolve the Wullar Barrage in 1992 while giving some concessions to each other. However, geopolitics has dominated in terms of getting tactical wins and lost the prospects for mutual gains when India denied the existence of any draft agreement because the then Indian government did not want to lose election in the coming year. On the other hand, Pakistan also linked resolution of the Wullar barrage issue with the Kashmir dispute, as it was not ready to give any concession prior to resolution of the Kashmir issue. Sir Creek, like the Wullar Barrage and Siachin glacier issue, is not an exception. Controversy in this case lies in the enlarging of Exclusive Economic Zone (EEZ) in the wake of delimitation of Pakistan-India border in the marshy area of Sir Creek. Room for compromise also exists there but Pakistan and India are not willing to accommodate each other.

After the launching of the Composite Dialogue process in 2004 eight identified issues including Jammu and Kashmir, Terrorism, Siachin dispute, Wullar dam, Sir Creek, trade and business links are being negotiated simultaneously. No one issue has become hostage to any other issue interlinking resolution of both issues. Therefore, Pakistan and India should move forward and adopt win-win approach to manage the conflicting issues. It is the high time for the current Nawaz Sharif led government in Pakistan and Narendra Modi-led government in India should restore the spirit of the Lahore peace process and the Composite Dialogue process to augment confidence and take concrete steps to resolve thorny issues which has constrained progress and prosperity in South Asia.

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