
UNIT 27 RESOLUTION AND MANAGEMENT OF CONFLICTS

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27.0 OBJECTIVES

South Asia is a conflict ridden region. This unit deals with the methods adopted by the countries of the region to manage and resolve conflict. After going through this unit, you should be able to

- Define the key concepts of conflict, conflict management and conflict resolution,
- Identify the sources of interstate conflict in South Asia,
- Describe the nature of conflicts, and
- Critically evaluate the methods adopted to resolve conflicts.

27.1 INTRODUCTION

Conflict is inherent in every society. It remains latent in some societies and in many others, it manifests in violence and destruction. Conflicts occur at individual, family, national and international levels. As such, the unit of analysis and nature of actors differ in each case even though all conflicts possess certain generic features. This unit deals with international conflicts involving sovereign states of South Asia.

South Asia is a region of many protracted conflicts. They have remained the cause for three wars and many crises between India and Pakistan. The military engagements have exposed the fragility of peace in South Asia to the extent that some of the Western commentators and governments have termed it as a 'dangerous region' or potential 'nuclear flash-point'. It must be stated that despite tension and rivalry, South Asia is also endowed with strong political culture and mechanisms to resolve

differences. It means that conflicts have concurrently created certain opportunities for their management or settlement, if not resolution and efforts to that end have proceeded almost simultaneously even though their success has not been very encouraging in some cases. Before we examine the management and resolution of conflicts in South Asia, it is necessary to understand the meaning of the concepts of conflict, conflict management and conflict resolution.

27.2 DEFINING THE CONCEPTS

Conflict is defined in many ways; there is no unanimity among the scholars about what constitute a conflict. One school, dominant in North America, defines conflict in terms of clash of interest between two parties. Kenneth Boulding for instance, states: "Conflicts over interests are situations in which some change makes at least one party better off and the other party worse off, each in their own estimation... A fight is a situation in which each party to a perceived conflict over interests acts to reduce the welfare of the other". Johan Galtung, who represents another school, maintains that "injustice and structural violence" mark a conflict situation. According to him, absence of physical violence and direct confrontation between actors does not necessary mean that structural violence is totally absent. Adam Curle presents a broader definition. For him, conflict is a situation where "potential development" of one party is "impeded" by another. However, the most widely used definition links a conflict situation with "incompatible goals" of parties. According to Michel Nicholson, "A conflict exists when two people wish to carry out acts which are mutually inconsistent. [They may both want to do the same thing, such as eat the same apple, or they may want to do different things where the different things are truly incompatible, such as when they both want to stay together but one wants to go to the cinema and the other stay at home.] The definition of conflict can be extended from single people to groups (such as nations) and more than two parties can be involved in a conflict. The principles remain the same". A common element found in all definitions is the divergent goals and interest of two actors or parties who resort to various means in pursuit of achieving their objectives.

Closely related to the concept of conflict is the term conflict resolution. John Burton terms conflict resolution as a political philosophy. It is defined as an outcome as well as a peaceful means by which such an outcome is obtained. According to Hugh Miall, conflict resolution denotes a "change in the situation which removes the underlying source of conflict. This may come about through a change in relationships between them, or through the dissolution and replacement of the original parties. If a conflict is settled by the military victory of one side and the other does not accept the outcome and begins organizing another fight, the underlying conflict has clearly not been removed and such a conflict would not be considered resolved". Thus, the fundamental principles of conflict resolution are two: the parties should be satisfied with the outcome which meets their felt needs and interests, and there should not be use of any coercion to achieve such an outcome. John Groom says that a complete satisfaction of parties comes only if "they have, and do actually have, full knowledge of the circumstance surrounding the dispute and the aspirations of other parties". He also maintains that conflict resolution is a goal rarely realized in practice.

Before analyzing the methods of conflict resolution, it is necessary to define the term conflict management. It is regarded as a necessary preliminary step in the direction and process of conflict resolution. In other words, whether a conflict reaches a stage of resolution or not is dependent in part upon the ways in which it is managed. Conflict management process entails adoption of various measures including establishment of communication links and personal interactions between the adversaries, setting up of mechanisms to end or minimize violence, and seeking commitment of the parties to a political solution to their problem. The last measure paves the way for a peace process whose success will determine the resolution of the given conflict. John Burton finds three important components in conflict management—participation, communication and third party. First, there is the "degree and quality of participation" by the parties to the conflict.

This includes “the bargaining power available, influence on the decision making institution or forum concerned, knowledge and negotiating skills available, and other power attributes of the participants”. Second, “there is the degree and quality of communication between the parties” which includes “their perceptions and understanding of the situation, abilities to receive information and to communicate to it”. Third, “if there is a third party involved, there are the degrees of decision making power, degrees of neutrality, levels of analytical skills, and other attributes of third parties”.

Conflicts are resolved in a number of ways. Some of the most significant methods are arbitration, mediation and direct negotiations. Arbitration is part of the larger process of adjudication. It is one of the oldest methods of conflict resolution. Under this method a given conflict is referred to an impartial tribunal (arbitration tribunal or international court). Unlike a permanent court, an arbitration tribunal is an *ad hoc* forum set up by an agreement between the disputants or conflict parties. It means that it is valid for a single conflict. The size of a tribunal is always small; it can have three or five or nine members. In case of a three-member tribunal, each disputant chooses one member and the third one is neutral arbitrator chosen by both national nominees. If they fail to do so, an impartial third party such as the President of the International Court of Justice nominates a person. It is also possible to have three neutral members in a tribunal of five; in some other cases the parties select a single arbitrator such as the UN Secretary General. The arbitrators are reputed judges or lawyers or diplomats or retired government officials. An important condition is that states are expected to comply with the award and therefore the tribunal decision is binding on the disputants.

Third party mediation is also an important method. It is an integral part of a larger bargaining or negotiation process in conflict. A variety of actors like private individuals, governments and regional and international organizations undertake mediation. The main objective of mediation is to change the behaviour, choice and perception of the adversaries so that a settlement between them can be reached. Each mediator adopts different strategies. They include facilitation of communication between the parties and putting pressure on them to give up their tough position in negotiations. A mediator clarifies ambiguous issues, offers suggestions to the adversaries, participates in negotiations and formulates proposals. A mediator is biased or impartial. Coercion is forbidden in a mediation process, but some mediators in practice use pressure tactics or provide various incentives to the adversaries with an objective of reaching a solution.

A bilateral negotiation is yet another method for conflict resolution. Here, both the parties to the dispute engage in direct negotiations without any third party support. It is a bilateral affair because the parties establish communication with each other, create atmosphere for talks, set the agenda, conduct hard bargaining and commit themselves to an agreement reached between them. The negotiation process can be long and difficult. It is also possible that talks can easily break down since there is no third party to moderate their position.

27.3 SOUTH ASIAN REGIONAL CHARACTERISTICS

South Asia is a conflict-ridden region. It has experienced four full-scale wars (in 1947-48, 1962, 1965 and 1971) and one limited war (Kargil war). In order to understand conflicts in South Asia, it is important to appreciate the characteristics of the region because the structure of the region itself provides the conditions for a conflict. One of the prominent characteristics of South Asia is “Indo-centricism”. It means that India occupies the centre of the regional subsystem in every sense—geographical, historical, socio-cultural and economic. Geographically, with its centrally located vast landmass, India is the only connecting point to the other states of the region. It shares frontiers (either land or sea) with all the states and separates most of them. The history of most of the states is either linked with or rooted in India. It means that India looms large in regional histories by virtue of the fact that it effectively influenced and shaped events

from time immemorial. Furthermore, India provides a civilizational link to all the South Asian states. As such, the socio-religious and linguistic contours of the region have a strong element of 'Indian-ness' that is blended or harmonised with the local traditions. Clearly, the vast components of collective persona of these states are drawn from the Indian antecedents. Finally, the economic centrality of India is explained in terms of its capacity to assist and even influence some of the national economies. It is even better illustrated by the fact that India holds the key to success of the SAARC as a regional economic grouping. Implication of this regional framework is that India is the focal point of contest by its neighbours whose interests invariably clash with that of India. It means that most of the conflicts are between India and its immediate neighbours.

The second important characteristic of South Asia is its 'asymmetric and hierarchical power structure'. India is indeed by far the largest (in population and territory) and biggest (in economic, technological and military strength) state in South Asia. India is larger and bigger than each one of its neighbours or even all of them "put together" in South Asia. In fact, the asymmetry is so overbearing that "significant differences of power potential" among India's other neighbours are "obscured". As a result, countries like Pakistan want to compete with India to attain parity of power.

The third characteristic of South Asia is the "common colonial experience" of the member states. It is widely agreed that the colonial history has sown seeds of many conflicts in the post-colonial period. It happened, not so much due to the de-colonisation process itself, but because of the peculiar way of building the British Empire through a coercive process of integration of disparate groups and their territories. The British colonial rule established territorial unity of the subcontinent: India, Pakistan and Bangladesh were at the core of the integrated British *raj* with which Nepal and Bhutan maintained peripheral linkages, and Sri Lanka and Maldives were independent of the *raj* but controlled by the colonial government. All of them shared a common destiny and were forced to defend imperial interests at the cost of their own. But this shared destiny became highly individualistic when the British rule ended. The process of de-colonisation simultaneously triggered off a process of territorial fragmentation and disunity in the subcontinent. In many cases the post-colonial state formation followed absurd and illogical patterns; demarcation of State boundaries became incomplete and interests and status of many ethnic and religious groups were not defined. Post-colonial South Asia has lived with these colonial legacies, giving rise to various disputes and conflicts within states and between states of the region.

27.4 NATURE OF CONFLICTS

There are many bilateral problems between the countries of South Asia; some of them result from the competition for power, security and prestige. Conventional arms build-up and nuclear rivalry between India and Pakistan can be cited as an example. Then there are open bilateral conflicts in South Asia over territory and water resources. Importantly, given the Indo-centric nature of the region, these conflicts are between India and its South Asian neighbours.

On the basis of their duration and intensity, territorial conflicts in South Asia can be divided into two categories—protracted and peripheral conflicts. Protracted conflicts include India's disputes with Pakistan, especially over Kashmir and Siachen. Peripheral conflicts are those between India and its smaller neighbours such as Sri Lanka. Again, one can make a further categorisation in terms of the nature of the contested territory: most of the conflicts are related to border demarcations and only Kashmir has the distinct character of being an irredentist dispute. The India-Pakistan territorial conflict is a multi-pronged affair in the sense that both countries have competed for more than one part of territory at a time. If Kashmir, according to the Pakistanis, is a 'core issue' between India and Pakistan, Siachen, Kutch and Sir Creek have been crucial issues from the standpoint of their national security. The dispute between India and Sri Lanka over Kachchativu was less contested, at least from the Indian side. This made the task of its resolution easy.

27.4.1 India-Pakistan Territorial Disputes

As stated earlier, there are four major disputes between India and Pakistan over territory—Kashmir, Siachen, Rann of Kutch and Sir Creek. Out of these, only the Kutch dispute has been resolved. The Kashmir conflict is the oldest, which started in the wake of the British withdrawal from the subcontinent and subsequent partition of India in 1947. At the time of independence, the Indian Union had two categories of states. They were states of British India and princely states. There was no problem with the integration of British Indian states; they became either part of India or Pakistan. But the princely states posed a serious problem. When the doctrine of paramountcy of the British Crown lapsed, Lord Mountbatten urged the princely states to join either India or Pakistan depending upon their geographic contiguity and demographic composition. It means that the Hindu dominated areas could join India and the Muslim dominated areas should go to Pakistan. Herein lay the Kashmir problem. Jammu and Kashmir had a Hindu ruler (Maharaja Hari Singh) but majority of its population was Muslims. As regards territory, it adjoined both India and Pakistan. The Maharaja did not want to join either of these countries. Seeing his vacillation, Pakistan sent its troops to aid a tribal rebellion which broke out in Poonch in October 1947. Soon the rebels supported by Pakistani forces marched towards the capital, Srinagar, threatening the very position and authority of the Maharaja. Since he did not have any military power to counter the invasion, Maharaja appealed to India for military assistance. Prime Minister Nehru put two conditions: first, he wanted the Maharaja to seek the approval of Sheikh Mohammed Abdullah, the leader of the Kashmiri National Conference. Second, the Maharaja needed to accede the state of J&K to the Indian union if Abdullah gave assent to the Instrument of Accession. On fulfilling these two conditions, Nehru sent the Indian troops to put down the rebellion and evacuate the Pakistani forces. However, India's success was only partial. Its troops managed to stop the rebel advance but they had to concede about one-third of J&K to Pakistan. Subsequently, on 1 January 1948, India took the issue to the United Nations Security Council which, in April 1948, passed a resolution urging both the countries to settle the dispute through a plebiscite in J&K to determine the will of the people on their accession. This marked the beginning of a long drawn process of conflict management and resolution which has coexisted with war, insurgency and violence. So far the result has been negative. We will examine these in the next section.

The dispute over Siachen is primarily linked to the Kashmir conflict. The peculiarity of the issue lies in the fact that the Siachen glacier is one of the most inhospitable regions in the world because of its tough weather conditions, high altitude and rough terrain. It receives heavy snow of about 7 meters every year, snowstorm occurs at a speed of nearly 300 Kilometres per hour and the temperature drops to 40 degrees below zero level. Its high altitude is explained by the fact that India has its base camp at a place which is 12,000 feet above the sea level. It means that the altitude of some of the forward bases are much higher (varies from 22,000 feet to 16,000 feet). The area is prone to avalanches. It is estimated that over 95 per cent of the Indian casualties have been due to the high altitude, adverse weather and inhospitable terrain.

Until the mid-1980s, neither India nor Pakistan controlled the Siachen glacier. The India-Pakistan cease-fire line created in 1949 did not clearly delineate territory to either side. Nor the Line of Control (LoC) described the position of the glacier. As such, the region was left un-demarcated. Since it is located in the “un-delimited area” beyond the LoC, both India and Pakistan made competing claims over the glacier. It is evident that Pakistan insists on drawing a straight line in a north-easterly direction from NJ 9842. This goes up to the Karakorum Pass on its boundary with China. On the other hand, India likes to draw a line in the north-north west direction from NJ 9842 along the Salto Range—a southern offshoot of the Karakorum Range.

India came to know of the glacier in the late 1970s from mountaineering maps published in Europe and North America. Earlier India did not allow any mountaineering expedition,

whereas Pakistan allowed and encouraged such activity to gain legitimacy over territory. However, in 1978, India changed its policy. It despatched an “operational reconnaissance patrol” of the army to the area in the guise of a mountaineering expedition. Subsequently, the army made many more expeditions, and patrolled the glacier in summer. Pakistan did not militarily oppose the Indian army’s activities initially, but since 1978 it made several protests against Indian presence in the glacier. In 1983, Pakistan also made an attempt to station its troops in the glacier. India pre-empted the Pakistani move by airlifting a platoon of its troops in 1984, thereby making itself the first country to occupy the glacier. Since 1984, Pakistan has regularly made attempts at dislodging the Indian troops. At the same time, the Indian military objective has been to retain its control over the territory at any cost. The ensuing military confrontation has resulted in heavy loss of life and the economic cost of it is also mounting.

The dispute over Rann of Kutch arose soon after independence of India and Pakistan. Rann of Kutch is situated between the Sind province of Pakistan and the Indian state of Gujarat. It is a 23,000 sq. km of marshland, “not wet enough to navigate and not dry enough to farm”. It is divided into two different formations—Great Rann and Little Rann. The Great Rann, which covers 18,000 sq. km., lies within Gujarat. The Little Rann is about 5000 sq. km., which extends from the Gulf of Kutch to touch the Sind province. In 1947, the boundary between Sind and Kutch became an international border. The dispute started when Pakistan made a claim over one-third of the Great Rann (which is about 3,500 square miles. The area claimed run along the “24th parallel (north latitude), which it argued had always been under the control and administration of Sind”. India rejected the Pakistani claim on the ground that the whole of the Rann of Kutch was part of the Kutch region of Gujarat. For several years after their independence both the countries exchanged notes and letters reiterating their claims and counterclaims on the Rann of Kutch.

The dispute took a military dimension in February 1956 when Pakistani forces intruded into Chhad Bet in the northern half of the Rann of Kutch. India responded by sending its troops. But Pakistani soldiers could not be tracked down. Pakistan played the hide-and-seek game. It wanted to draw India’s attention to the dispute with the aim of seeking a solution. What followed next was a series of exchange of letters reiterating their claims and counter-claims by referring to the controversial historical facts. Finally, an arbitration tribunal resolved the dispute in 1968.

The dispute over Sir Creek remained a part of the Rann of Kutch dispute. When the latter dispute was resolved, the solution did not cover the Sir Creek. The Creek, a fluctuating tidal channel, is a 100 km long estuary marsh of the Rann of Kutch. Pakistan held the view that boundary dispute in the Kutch-Sind sector covered Sir Creek and claimed the entire Sir Creek as its territory. India repudiated the Pakistani claim on the ground that there was no territorial dispute over Sir Creek as its boundary was well-established with the creation of boundary pillars in the middle of the creek. During the arbitration of the Kutch dispute, both India and Pakistan agreed before the tribunal to limit their dispute to the boundary in the north. In the south there was an agreed boundary. It started from the Sir Creek and extended itself in the eastward direction along the 24th parallel. However, India held the view that “this line moved up sharply at a right angle to meet the north boundary of the Rann”. Pakistan wanted to extend the line further eastward to claim half of the Rann. Despite some efforts on the part of India and Pakistan, the dispute remains unresolved.

27.4.2 India-Sri Lanka Dispute over Kachchativu

The territorial dispute between India and Sri Lanka was over Kachchativu, a tiny barren island in the Palk Straits. All historical evince shows that the island formed a part of the Zamindari of Raja of Ramnad in Tamil Nadu. At the same time, Sri Lanka did not have sufficient evidence to show that the island belonged to it. Yet the Sri Lankan government made a claim on the ground that its ownership of the island was tacitly accepted by the British Indian government. While disagreeing with Sri Lanka, successive Indian leaders

showed apathy and indifference towards the territorial dispute. Nehru and his successors underplayed the dispute in the interest of bilateral relations. This was evident from their various statements. Nehru virtually toed the Sri Lankan line of argument when he said that the Zamindari rights of the Raja of Ramnad did not confer sovereignty over the Kachchativu Island. He showed his ignorance and casual approach to the problem when he stated that he was not sure about the location of the disputed island. He appeared to be over-cautious about Sri Lanka's sensitivity when he maintained that there was no "national prestige" involved in the issue. Similarly, fearing an adverse impact on bilateral relations, Indira Gandhi was even reluctant to take pro-India position on Kachchativu which, in her opinion, was a "sheer rock with no strategic significance". The difference between the two leaders was that even though Nehru did a soft-peddling on the issue, he did not enter into an agreement with Sri Lanka to recognise its sovereignty over the island. But Indira Gandhi signed an agreement in 1974 against the wishes and interests of Tamil Nadu.

27.4.3 Conflict over Water-sharing

Conflict over water sharing occurred between India and Pakistan, and India and Bangladesh. It must be noted that there has been no conflict over water sharing between India and Nepal; the major issue between them is related to development of water resources (hydropower, irrigation and flood control, etc). As such, in the context of conflict resolution, it is essential to concentrate on those conflicts which involved the issue of water sharing. India's dispute with Pakistan and Bangladesh are the cases in hand.

Apart from the territorial conflict, India and Pakistan had a major dispute over sharing the Indus water. The partition of India necessitated dividing the Indus water system because the line of partition cut across the Indus river system, which remained the lifeline of agricultural development in undivided Punjab. The Indus water system included six rivers—the Jhelum, the Chenab and the Indus itself in the west; the Ravi, the Beas and the Sutlej in the east. The interests of India and Pakistan clashed since both the countries demanded a larger share of river system. What complicated the issue was the India-Pakistan war after the partition and the continuing tension-ridden relations between the two countries in the subsequent years. As such, prolonged bilateral talks did not yield any result until the World Bank extended its good offices to clinch a deal in 1960.

The Ganges water dispute was much more complicated and intractable than the Indus water dispute, and the contending parties—India and Bangladesh—adopted intransigent positions at various negotiating stages. The issue was not merely of sharing the Ganges water but also its augmentation during the lean season (between January and May) when the flow remains low. It must be noted that India is an upper riparian state and Bangladesh is lower riparian state. The contention of Bangladesh was that India always involved in a unilateral diversion of the Ganges water at Farakka, which adversely affected the interests of the lower riparian state. Perceiving unconsciously that the Ganges was an Indian river, India, on the other hand, maintained that the diversion of a part of the Ganges water at the Farakka barrage to the Bhagirathi/Hooghly river was necessary to arrest the deterioration of Calcutta port and protect Kolkata's drinking and industrial water supplies from salinity. Bangladesh always insisted on an equitable water-sharing formula which India considered unreasonable given the cultivable area and the population in India which are larger than that of Bangladesh. As regards the augmentation, there was always sharp disagreement on the ways and means of augmenting the water flow during the lean season. In the past, India proposed that a link canal from Jogighopa to Farakka across Bangladesh be constructed to augment water flow in the Ganges from the water-surplus Brahmaputra river. On the other hand, Bangladesh proposed to have augmentation from within the Ganges system by storing its monsoon flows behind seven high dams in Nepal. Each side disagreed with other's proposal and, as such, the problem remained unresolved despite many rounds of political negotiations until an agreement was reached in 1996.

Note: i) Use the space below for your answers.

ii) Check the answers with the answers given at the end of this unit.

1) According to Hugh Miall the two fundamental principles of conflict resolution are:

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2) What is arbitration?

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27.5 MANAGEMENT AND RESOLUTION OF CONFLICTS

In South Asia the governments have followed three approaches—arbitration, mediation and bilateral negotiations—at different points in time to resolve their conflicts. The first two approaches were tried in the past and the third one remains the single most preferred approach of India even though countries like Pakistan and Bangladesh prefer international mediation. Now, India is opposed to any form of third party mediation or arbitration of its bilateral disputes with any of its neighbours and insists on bilateral negotiations—a norm of conflict resolution which others like to change. This is despite the fact that the third party involvement as arbitrator or mediator in the past was successful in resolving some of the disputes once for all.

27.5.1 Arbitration

The Rann of Kutch dispute was arbitrated by a three member tribunal set up for this purpose. India nominated Ales Bebler (a judge of the Constitutional Court of the former Yugoslavia) as its representative. Pakistan nominated Nasrollah Entezam (an Iranian diplomat). The UN Secretary General appointed Gunnar Lagergren (a judge of the Swedish Supreme Court) to be the chairman of the tribunal. The tribunal examined about 10,000 pages documents and 350 maps. India submitted 250 documents and Pakistan produced 350 documents in support of their claims. The tribunal had 171 sittings and made its decision on 19 February 1968 in Geneva. The decision was taken by a majority of two votes because the Indian nominee cast a dissenting vote. The tribunal awarded about 900 sq. km territory in the northern part of the Rann to Pakistan. Although the rest of the disputed territory remained with India, it was not happy with the tribunal award. India considered it was more of a political verdict than a legal decision. Since the tribunal decision, as per the commitment and undertaking, could not be questioned, India accepted it with much reservation. Given this experience, it has never agreed for arbitration of any of its international dispute with its neighbours.

27.5.2 Mediation

In the history of conflict management in South Asia, international mediation formed an important strategy till the 1960s. While other South Asian countries made their choice first for third party mediation, India willy-nilly accepted the same. As global power competition created imperatives for peacemaking in South Asia, both the US and the former Soviet Union pushed India and Pakistan to resolve their conflicts. In 1966, in the

wake of the India-Pakistan war, the former Soviet Union mediated the Tashkent agreement between the two countries. Apart from ending the war, the agreement provided the framework for restoring peaceful relations which, however, did not end the hostility.

The most successful mediation happened in the Indus water dispute between India and Pakistan. The World Bank extended its good offices to reach a settlement in 1960. According to the treaty signed by both the countries, Pakistan got three western rivers—the Jhelum, the Chenab and the Indus—and India received three eastern rivers—the Ravi, the Beas and the Sutlej. The equal sharing of rivers made the task of resolving the dispute very simple. Importantly, the treaty set up a permanent Indus Commission with a Commissioner each for India and Pakistan. The Commission meets regularly and exchange visits to both the countries, even during the time of tension and difficulties in India-Pakistan relations. The Commission is empowered to resolve all the differences over the implementation of the treaty and only if it fails to reach an agreement, the matter is referred to the governments. If there is no agreement between the governments, the matter is taken for arbitration by a third party. Significantly the arbitration clause of the treaty has not been invoked so far. The treaty has been working well despite many wars and tensions between India and Pakistan.

The Kashmir dispute represents a case of unsuccessful mediation by the United Nations between 1950 and 1958. In 1948, the UN Security Council appointed a five member mediation commission—known as the UN Commission on India and Pakistan—to restore peace and arrange for plebiscite to resolve the dispute. A cease-fire and truce agreement between India and Pakistan was worked out in August 1948. Importantly both the countries agreed in principle to withdraw their forces from each other's territories and the disarmament of the local forces in the Pakistan-Occupied Kashmir. The UN secured India's consent for a plebiscite to determine the wishes of the people on Kashmir, but in 1949 India rejected the proposal. The Commission worked for about two years and submitted three interim reports to the Security Council. However, it could not bring India and Pakistan anywhere closer to agree on a settlement of the dispute. Both the countries made varied interpretation of the plebiscite and demilitarisation proposals. Under these circumstances, a suggestion was made that the dispute be referred for arbitration. India did not agree with the proposal. At the same time, Pakistan was not in favour of the idea of partitioning Kashmir. Disappointed with the lack of progress in mediation, some of the Commission members came around the idea of leaving the problem to be solved by India and Pakistan through bilateral negotiations. By 1958 the UN mediation came to naught and was eventually abandoned.

27.5.3 Bilateral negotiations

India's most preferred form of conflict resolution is bilateral negotiations. In the recent period, this has become the dominant method because India, a focal party in almost all South Asian conflicts and rivalries, has rejected arbitration and mediation. India's neighbours are not able to change what they describe as the Indian mode of peacemaking, which has practically become the regional approach. The Shimla agreement is a result of successful bilateral negotiations in 1972. It has emphasised the relevance of bilateralism to conflict resolution and sought India and Pakistan not to seek any form of external involvement in peacemaking. It must be stated that despite some of India's neighbours' reservation about the bilateral approach, it has been successfully and unsuccessfully tried in many conflicts.

Successful negotiations were held on the India-Sri Lanka territorial dispute and India's Ganges water dispute with Bangladesh. Following protracted negotiations between the leaders of India and Sri Lanka, the two countries signed an agreement on 26 June 1974, under which India agreed to accede to Sri Lanka's claim over the Kachchativu island. This was probably one of the very few instances of India surrendering a small portion of its territory over which it enjoyed a rightful claim of ownership by virtue of the historical evidence. This was an extraordinary move to cultivate and befriend the

regime in India's neighbourhood. Though the Kachchativu dispute was resolved, the island has introduced a new irritant in India-Sri Lanka bilateral relations because, lured by a heavy stock of demersal fish around Kachchativu, many fishermen from Tamil Nadu often cross the Indian maritime boundary to only get shot or captured by the Sri Lankan navy.

Protracted negotiations and a number of short-term agreements marked the Ganges water dispute. It was finally resolved on 12 December 1996 when India and Bangladesh signed a treaty to share the Ganges river water. The treaty is valid for 30 years and renewable if both the countries are so willing. Also, if they so desire, they can review the treaty at the end of every five or two years. It was more a political rather than a technocratic resolution of the dispute that the treaty brought about. It was an exercise in compromise made by both the countries on their stated positions. The water sharing formula adopted in the treaty is based on the equality principle (50:50) at the lower end, i.e., equal sharing of the lean season flows. At the upper end, there is a slight variation. When the flow level is 75,000 cusecs, India is given 40,000 cusecs and the balance goes to Bangladesh. The treaty has also provided a mechanism for consultation and monitoring of flows. It has been working well to the satisfaction of both the countries.

Bilateral negotiations have been unsuccessful in India's territorial disputes with Pakistan. On numerous occasions, the Kashmir dispute has figured in bilateral talks since 1953 without much success. Three major high level talks were held in the 1950s and the 1960s. The first of these were held in Karachi and New Delhi in July-August 1953 between the Prime Ministers of India and Pakistan—Nehru and Mohammed Ali. In August 1953 both the leaders reiterated their desire for a fair and impartial plebiscite to determine the wishes of the people of J&K. In this context, they sought the appointment of a Plebiscite Administrator. However, due to the differences over the bilateral security issues, the negotiations were broken off in December 1953. Again, both the countries resumed the talks on 14th May which continued until 18th May. This round also did not make any progress. Moreover, within weeks of talks, India and Pakistan accused each other of insincerity in conducting negotiations. In the third phase, six round of talks were held during December 1962 and May 1963. An important highlight of these talks was that India was prepared to concede about 1500 square miles of Indian-held territory in Kashmir. In return, it sought Pakistan's recognition of the rest of the areas. Pakistan rejected the offer. It wanted the entire Kashmir valley. Thereafter, the Kashmir briefly figured during the negotiations in Tashkent (1966) and Shimla (1972).

On the Siachen conflict, several rounds of talks were held at the highest level since 1986. The talks made some progress in 1989 and 1992 but did not lead to the resolution of the dispute. In the talks between the defence secretaries of India and Pakistan held in June 1989, the two sides agreed to reach a settlement on redeployment of forces to reduce the chances of conflict and avoid the use of forces. The progress was distinct in November 1992 when, it was reported, India and Pakistan prepared a draft agreement which emphasised the mutual withdrawal of troops from key passes to new positions and creation of a zone of military disengagement. Eventually, the idea was to create a zone of peace and tranquillity without altering the position of both the sides. However, internal political compulsions and the disagreement over the interpretation of some of the provisions of the draft agreement led to its total abandonment.

Subsequently, all the issues have become a part of the composite dialogue process, which has reinforced once again bilateralism as a mode of conflict resolution. The composite dialogue was offered in the mid-nineties by the I.K. Gujral government. Unfortunately, the process was not sustained and the spirit of it was dampened until September 1998 when both Prime Ministers Vajpayee and Nawaz Sharif reached an agreement, which underlined the need for creating an environment of peace and security and resolution of all outstanding bilateral issues including Jammu and Kashmir. This paved the way for the resumption of bilateral dialogue in November 1998. The composite dialogue was aimed at improving bilateral relations on a broad front, building confidence and trust, putting in place a stable structure of co-operation and addressing all outstanding issues. An important

part of the dialogue process was the Defence Secretary-level talks on Siachen dispute, in which both sides reiterated their known positions. With a view to defusing tension and hostilities, the Indian side proposed an agreement on cease-fire in Siachen; negotiations on disengagement/redeployment could start subsequently. But Pakistan seemed to have not been favourably disposed towards the proposal. Another issue for the dialogue was Sir Creek and delimitation of maritime boundary, and was held between the Surveyor Generals of India and Pakistan. It was the continuation of earlier discussions held at both technical and government levels since 1969; the last round took place in 1992. The talks revealed diametrically opposite positions of both the countries: while India wanted to focus only on the unsettled part of the boundary, Pakistan sought to seek an absolute view of its resolution. India also made a proposal that maritime boundary could be delimited from seawards even before resolving the dispute over Sir Creek, to which Pakistan did not agree.

The Lahore Declaration (1999) has also underlined the relevance of bilateral approach. It provided for certain regulatory measures for achieving peace. Apart from “intensifying” their efforts to resolve all bilateral issues, India and Pakistan agreed to “refrain” from interfering in each other’s internal affairs, “intensify” their composite and integrated dialogue process, “reaffirm” their condemnation of terrorism and “promote and protect” human rights and fundamental freedoms. In March 1999, Pakistan’s Foreign Minister, Sartaj Aziz and India’s External Affairs Minister, Jaswant Singh, worked out the modalities of implementing the ‘Lahore decisions’. But the war in Kargil has derailed the entire peace process. Following Indian Prime Minister AB Vajpayee’s visit to Pakistan in 2004, the composite dialogue process has been given another chance. It is said that so long as the Kashmir dispute persists, every Indian effort to insist on the bilateral mode of conflict resolution will bound to be challenged by Pakistan’s demand for multilateral approach with a specific desire for involvement of the US in peacemaking between India and Pakistan.

Check Your Progress 2

Note: i) Use the space below for your answers.

ii) Check the answers with the answers given at the end of this unit

- 1) Match the disputes listed in column A with the methods adopted to resolving them listed in column B:

A	B
a) Rann of Kutch	i) Bilateral negotiations
b) Indus Water dispute	ii) Mediation
c) Ganges water dispute	iii) Arbitration

- 2) What has been India’s preferred method of conflict resolution and why?

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27.6 LET US SUM UP

In this unit we have seen that South Asia is a conflict ridden region. As a result of the particular characteristics of the region, these conflicts are between India and its South Asian neighbours.

As we saw, open bilateral conflicts in the region centre on territory and water sharing. While all the three methods of conflict management, arbitration, mediation and bilateral negotiations have been tried with some success, since the 1960s, India has rejected arbitration and mediation, and preferred to resolve conflicts with its neighbours through bilateral negotiations. This Indian mode of peacekeeping has practically become the regional approach. The Indo-Sri Lanka territorial dispute and the Indo-Bangladesh dispute over Ganges water were successfully resolved through bilateral negotiations. However, bilateral negotiations with Pakistan to resolve territorial disputes have so far not yielded results. But one cannot give up peacemaking ventures out of frustration. There are no quick fix solutions to intractable problems and the process of peacemaking should continue until the goals are reached. The experience the world over is that success comes only in the process and as a result of bitter failures. South Asian countries accept this reality; breakdowns in peace processes do not normally undermine their interest in conflict management.

27.7 SOME USEFUL BOOKS

Bose, Sunandra. (1997). *The Challenge in Kashmir: Democracy, Self Determination and International Peace*. Delhi. Sage Publications.

Ganguly, Sumit (1986). *The Origins of War in South Asia: Indo-Pakistani Conflict Since 1947*. Boulder. Westview Press.

Gulahti, Niranjana. (1973). *Indus Water Treaty: An Exercise in International Mediation*. Bombay. Allied Publishers

Raghavan, V.R. (2002). *Siachen: Conflict Without End*. New Delhi, Penguinbooks.

Sahadevan, P. (2001). *Conflict and Peacemaking in South Asia*. Delhi. Lancers.

27.8 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

- 1) One, both the parties should be satisfied with the outcome which meets their felt needs and interests and two, there should not be any use of coercion.
- 2) Arbitration is part of the larger process of adjudication. In this method of conflict resolution, the parties to the conflict refer the dispute to an impartial tribunal or international court and agree to comply with its decisions.

Check Your Progress 2

- 1) a-iii, b-ii and c-i
- 2) Though India was willing to try all methods to resolve conflicts with its neighbours, since the 1960s, it has insisted on bilateral negotiations to resolve conflicts. The award of the tribunal on Rann of Kutch was not to the liking of India. With the failure of international mediation to resolve conflict between India and Pakistan in the 1950s, India rejected arbitration and mediation as methods for resolving conflicts with its neighbours.