

## SIR CREEK: THE ORIGIN AND DEVELOPMENT OF THE DISPUTE BETWEEN PAKISTAN AND INDIA

Dr Rashid Ahmad Khan\*

Sir Creek is one of the eight long-standing bilateral disputes between Pakistan and India that the two countries are trying to resolve under the ongoing composite dialogue process. It is a dispute over a 96 km (60 miles) long strip of water in the Rann of Kutch marshlands of the River Indus, along the border between the Sindh province of southern part of Pakistan and the state of Rajasthan in India. For the last about 40 years, the two countries have been trying to resolve this row through talks. Although, like other bilateral issues between Pakistan and India, the row over Sir Creek, too, awaits a final solution, this is the only area where the two countries have moved much closer to the resolution of the dispute. Following a meeting between the foreign ministers of Pakistan and India on the sidelines of 14<sup>th</sup> SAARC Summit in New Delhi, an Indian official announced that the two countries had agreed on a common map of Sir Creek, after the completion of joint survey agreed last year. “We have one common map of the area, from which we will now work and try and see how far we can take this issue to a resolution, hopefully,” declared the Indian Foreign Secretary Shivshankar Menon after Foreign Minister of Pakistan, Mr. Khurshid Mahmud Kasuri, met his Indian counterpart, Mr. Pranab Mukherji in New Delhi on 2 April 2007.<sup>1</sup> While discussing the prospects of the resolution of this issue in the light of past negotiations between the two countries, this paper aims to examine the implications of the resolution of this issue for the ongoing peace process between Pakistan and India. But before we focus on this part of the paper, it would be useful to discuss the nature, and trace the origin and development of this dispute between the two countries.

### Historical Perspective

In history, we find the reference to the Rann of Kutch as early as 130-150 AD, when it was ruled by a raja, whose name was Sakasatrap. Kutch was a part of

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\* Senior Research Fellow, Centre for South Asian Studies, University of the Punjab, Lahore.

<sup>1</sup> *Dawn* (Islamabad), 3 April 2007. Although latest round of Pak-India talks on the issue held in Rawalpindi on 17-18 May 2007, remained inconclusive, and contrary to optimism generated following the previous round of talks, the two sides failed to remove their differences over the issue, Pakistan and India have agreed to continue their discussions for an amicable settlement. See *Dawn* (Islamabad), 19 May 2007.

his vast empire, whose capital was Ujjain. Towards the close of the 4<sup>th</sup> century AD, this part of India was captured by Guptas. After the establishment of Muslim rule in India, Gujrat and Kathiawar, due to their significance as important trading and commercial centres, became part of the Delhi Sultanate. The local rajas, however, were allowed to remain in power, pledging allegiance to the Sultan. During the long period before the establishment of British rule in India, the Kutch and the areas around were ruled by a succession of Hindu rulers. But it was clear that the rulers of Sindh had gradually moved to secure the control of the area. In 1760, the state of Kutch was conquered by the Muslim rulers of Sindh and it remained under their control till 1813. In 1924, the state became a part of British Indian Empire. During the period of territorial adjustments that followed, the Rann of Kutch was put under the control of Governor of the Sindh. But the question of the demarcation of boundaries between Bhoj and Sindh in the Kutch state was never settled because both, then, were part of British Empire. Like other parts of India, the boundary dispute is the result of the self-serving practices under long period of British colonial rule in India.<sup>2</sup>

There is historical evidence, which strongly suggests that during the days of British rule in India, Rann of Kutch remained an integral part of Sindh. For example, the Imperial Gazetteer of India 1908, describes Rann of Kutch as a territory, which is almost entirely cut off from the continent of India, north by the Great Rann, east by the Little Rann, south by the Gulf of Kutch and west by the Arabian Sea. The description of the boundaries of Sindh in the Imperial Gazetteer shows by inference that the Rann was never a part of the state of Kutch.<sup>3</sup>

### **The Nature of the Dispute**

The dispute is the product of conflicting interpretations by Pakistan and India of the boundary line between Kutch and Sindh.<sup>4</sup> When the dispute surfaced, Sindh was part of Bombay Presidency of undivided India. After 1947, Sindh became part of Pakistan, while Kutch remained part of India. There are two issues involved in the dispute - the delimitation of the boundary along the creek and the demarcation of the maritime boundary from the mouth of the creek seawards in the Arabian Sea. Pakistan's position is based on two contentions: the boundaries of the creek must be demarcated as per paras 9 and 10 of the Bombay Government Resolution of 1914, signed between the then Government of Bombay and the ruler of Kutch. Secondly, the demarcation of maritime boundary must be preceded by the resolution of

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<sup>2</sup> Saeed Ahmad, *The Indo-Pak Clash in the Rann of Kutch*, (Rawalpindi: Army Education Press, 1973), pp. 1-5.

<sup>3</sup> Ibid, p. 5.

<sup>4</sup> [http://en.wikipedia.org/wiki/Sir\\_Creek](http://en.wikipedia.org/wiki/Sir_Creek).

dispute over the creek. From the points of view of both Pakistan and India, the demarcation of the land boundaries becomes significant when the line is extended seawards to divide the sea boundary between Pakistan and India. The line, then directly affects the division of sea resources including minerals, fish and other marine life between Pakistan and India.

The issue of the rights over the resources of the sea has been one of the most contentious issues over which the international community wrangled for decades to reach a mutually acceptable agreement. A number of conferences under the auspices of the United Nations were held to resolve the conflicting claims. Finally, in 1982, the United Nations Convention on the Law of the Sea (UNCLOS) was signed. Pakistan and India are both signatories to this law. While UNCLOS places certain obligations on the signatory countries, it also grants rights to them over the sea resources, within certain limits. Pakistan and India also derive additional rights under the Convention over the sea resources up to 200 nautical miles in the water column and up to 300 nautical miles in the land beneath the column. The Convention also provides the principles on the basis of which sea boundaries have to be drawn between the states, adjacent to each other with a concave coastline. Pakistan and India have adopted rigid positions on the dispute because the dividing line over the Sir Creek would determine the extent of maritime boundaries in the Arabian Sea. The land boundary's general course of direction on the land leading up to the coast can make a difference of hundreds of square nautical miles, when stretched into the sea as a divider between Pakistani and the Indian zones.<sup>5</sup>

If the 1914 Resolution of the then Government of Bombay is followed, then Pakistan is justified in claiming the whole of creek. The resolution had demarcated the boundaries between the two territories, included the creek, as part of Sindh. The resolution, in fact, set the boundary as the eastern flank of the creek. The boundary line, known as Green Line, is disputed by India, which maintains that it is an indicative line known as "ribbon line" in technical jargon. India sticks to its position that the boundary lies mid-channel. In support of its case, India refers to another map, which was drawn in 1925. This map, according to the Indian claim, depicts that the boundary of the creek lies mid-channel.

In order to establish the applicability of Thalweg Doctrine in International Law to the issue of demarcation of the boundary, India claims

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<sup>5</sup> Ahmer Bilal Soofi, "Legal Purview: Wullar Barrage, Siachen and Sir Creek," *South Asian Journal*, No. 7, (January-March 2005), Lahore. Until 1954, the borders around Sir Creek were virtually open, with free movement on both sides. However, after 1954, the stances on both sides became rigid, and a controversy evolved around the Sir Creek. The dispute is intricately tied to the cause of fisherfolk since the area around it can be regarded as the biggest Asian fishing ground. See Charu Gupta, Mukul Sharma, "Blurred Borders: Coastal Conflicts between India and Pakistan", *Economic and Political Weekly, India*, 3 July 2004.

that the creek is navigable, at least during the high tide and that fishing trawlers use it for going to sea. But Pakistan rejects the Indian contention and holds that since creek is not navigable, therefore, the Thalweg Doctrine, according to which river boundaries between states are divided by mid-channel, is not applicable. The basic difference between the Pakistani and the Indian positions is that whereas Pakistan claims that Sir Creek boundary lies on the east bank, India asserts that it lies in the middle of the channel.

The dispute is further complicated by the fact that the river has changed its course considerably over the years. If the Indian interpretation of the boundary line is accepted and Thalweg Doctrine applied, Pakistan is set to lose a large part of the territory that 1914 Resolution declared and has historically remained as part of Sindh. The acceptance of India's stand, would also lead to the shifting of land sea terminus several kilometers to the detriment of Pakistan, resulting in the loss of several thousand square kilometers of the Exclusive Economic Zone (EEZ) under the UNCLOS.<sup>6</sup>

Given the complex nature of the dispute and conflicting claims of the two sides, the Indian Government had proposed that maritime boundary could be decided first. But Pakistan refused the Indian proposal and insisted that boundary on the land relating to the creek should be demarcated first. In response to the Indian refusal to accept Pakistan's claim, Islamabad had also proposed to refer the case to international arbitration. But India turned down the suggestion on the ground that since it was a bilateral dispute, it should be resolved, without the intervention of a third party.

The specific nature of relations between Pakistan and India since independence, marked by suspicion, mutual hostility, wars, tension and divergent foreign and defence policies, has made this issue extremely complex.

The Sir Creek boundary dispute is totally caught up in methodology and maps, and is a representative of national anxieties. The connections here go beyond the practical business of charting the length and breadth of national territories. They extend to the complex power relations underpinning the two nations involved here. The Sir Creek dispute goes against nationalising desires to produce a complete and secure cartography, and instead of a homogenising and flat map, points to the diversity in the very process of mapping. At the same time, it is not an intractable problem provided both countries approach it in a spirit of negotiation and compromise, and also recognize the possibilities of in-betweenness, which refuse fixed framings and provide space for creative ambivalences.<sup>7</sup>

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<sup>6</sup> Ibid.

<sup>7</sup> Charu Gupta, Mukul Sharma, "Blurred Borders: Coastal Conflicts between India and Pakistan," *Economic and Political Weekly, India*, 3 July 2004, p. 7.

## **Development of the Dispute and Indo-Pak Clash in the Rann of Kutch**

On independence, Pakistan inherited the control of whole of northern Rann until India occupied a part of it in 1956. The Indian seizure of northern Rann, was accompanied by moves to build a major naval base at Kandla in the Gulf of Kutch and connect it with the hinterland of Rajasthan and other neighbouring states through a network of rail and roads. India also constructed forward army garrison and started building military cantonments in the areas close to Pakistani border. These steps had led to intensified border clashes between Pakistan and India, until the two countries held Ministerial level talks in 1960. The talks produced what is called “Indo-Pak Pact”. The Pact recognised that the Rann of Kutch was a disputed territory, whose status was to be decided through the demarcation of boundary. Although the two countries pledged to show restraint on the issue and refrain from any step that might aggravate the situation, the border area remained under tension. The two sides continued to reinforce their force positions and conducted large scale military manoeuvre on either side of their common border. The two armies clashed in April-May 1965, but the ceasefire was arranged through the intervention of British Prime Minister Harold Wilson. The agreement on ceasefire, which was to take effect from 1<sup>st</sup> July 1965, was signed on 30<sup>th</sup> June 1965. The two disagreed to return to the positions they held on 1<sup>st</sup> January 1965. Under this agreement, the two countries also agreed to refer the issue to an international tribunal.

Two factors have played important role in rendering the dispute almost intractable despite regular sessions of talks between the two countries over several years. One, absence of an environment in Pakistan-India relations that could be conducive to the resolution of bilateral disputes due to the deadlock on Kashmir; and second, the prospects of finding the rich deposits of oil and gas below the sea bed in the area near the Kutch. Until 1960, the dispute over the creek, though unresolved, remained dormant. In 1965, Pakistan laid its claim to half of the Rann of Kutch. The circumstances that followed, led to a war between the two countries in this area in 1965. After the war, the boundary dispute was referred to the India-Pakistan Western Boundary Case Tribunal. The tribunal was constituted with the Pakistani and the Indian consent and was chaired by a Swedish judge, Gunnar Lagergren.<sup>8</sup> The tribunal gave its award on 19 February 1968. The award was accepted by both Pakistan and India. But it covered only the issue of demarcation of the boundary to the north. The tribunal did not adjudicate on the boundary of Sir Creek - from its head in the marshy lands of the Rann to the south in the Arabian Sea. The maritime boundary between Pakistan and India, was also left

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<sup>8</sup> Apart from the Chairman, the tribunal had two members nominated by Pakistan and India. See Bharat Bhushan, *South Asian Journal*, No. 7 (January-March 2005), Lahore.

un-demarcated. The reason was that both Pakistan and India had opted not to refer this part of un-demarcated boundary to the tribunal for adjudication.

The growing importance of the sea as a source of food and prospects of finding minerals, oil and gas below the sea bed has contributed to the activation of the dispute over Sir Creek. Without resolving this dispute, Pakistan and India cannot demarcate their maritime boundaries, which, both from the economic and the strategic points of view, have assumed critical importance for both countries. In the present situation, it is not possible for Pakistan and India to distinguish between their territorial waters.<sup>9</sup> It has also made it difficult for the two countries to define their contiguous zones and establish Exclusive Economic Zones (EEZ).<sup>10</sup> The UNCLOS has created strong imperatives for Pakistan and India to reach a settlement on Sir Creek issue as early as possible. Under this law, both the countries have to bring their maritime zone laws in consonance with it by defining the base line points to determine their maritime boundary and its coordinates have to be deposited with the United Nations. Unless the two countries resolve their differences over the demarcation of their land boundaries of Sir Creek, they cannot deposit their base-line point coordinates with the United Nations under UNCLOS. The two countries are, therefore, left with no option but to engage in bilateral talks to resolve the issue provided under the UNCLOS. The resolution of this issue has gained added significance in view of the fact that although disputed area along the Sir Creek constitutes only about six to seven square miles, it also involves as much as 250 square miles of ocean and ocean floor. One kilometer of boundary along the coastline could mean the loss of a few hundred of square kilometers of EEZ in an area, which is thought to be rich in oil and natural gas. At stake is not only the land, the issue is also linked to the sub-sea resources. Under the ongoing peace process, Pakistan and India have paid special attention to the resolution of the dispute over Sir Creek with the conviction that the issue is not only comparatively easier to resolve, its resolution would give a much needed shot in the arm to otherwise slow and sluggish peace process. Until 2004, when the peace process was initiated after the historic meeting between President General Pervez Musharraf and Prime Minister Atal Bihari Vajpayee, on the occasion of 12<sup>th</sup> SAARC Summit in Islamabad, the attitude of the two sides was marked by intransigence. However, under the ongoing peace process, Pakistan and India have covered considerable distance in reaching a point where they have agreed on a

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<sup>9</sup> The territorial waters constitute a zone up to 12 nautical miles from the coastline over which the states enjoy sovereign rights, including the restriction on the entry of foreign ships.

<sup>10</sup> The Contiguous Zones extend up to 24 nautical miles, where states can enforce custom and fiscal laws, fisheries laws and ban acts prejudicial to the interests of the states. The Exclusive Economic Zones go to 200 nautical miles and are extendable to 350 nautical miles by the countries with continental shelf.

common map of Sir Creek after conducting a joint survey of the disputed area. The agreement on a map has brightened up the possibility that Sir Creek may well be the first among the eight contentious issues to be settled under the composite dialogue process, initiated in early 2004. So far, three rounds of composite dialogue between Pakistan and India have been completed and the fourth one is under way. During these rounds, the two sides have held extensive discussions on all the issues, covered under the composite dialogue process, including Kashmir, Wullar Barrage, Siachen Glacier, nuclear CBMs, and trade and economic cooperation. But no tangible progress has been made in the area of dispute resolution. Even on Siachen, where agreement has been reached on the withdrawal of forces and demilitarization, final agreement has eluded the two sides.<sup>11</sup>

However, there are indications that, despite the persistence of differences over the basic issue of demarcation of land boundary, the two countries might be able to move towards an early and final settlement of the issue. The impetus for the two countries to move towards the settlement of this issue, had come from the UNCLOS, which fixed 2009 as the new deadline for resolving all maritime boundaries disputes. The deadline applies both to Pakistan and India as signatories to the UNCLOS. All such states, which have not yet resolved maritime boundaries disputes, have been called upon by UNCLOS to submit their baseline coordinates, before the end of the current year so that their claims could be sorted out by 2009. The UNCLOS call created a sense of urgency for Pakistan and India to seriously strive for an agreement on the demarcation of their maritime boundaries. In September 2004, the two countries issued a joint statement. The statement was issued at the end of the visit to India by the Foreign Minister of Pakistan, Mr. Khurshid Mahmud Kasuri. According to the Joint Statement, Pakistan and India agreed to conduct "Joint Survey of the boundary pillars in the horizontal segment (blue dotted line) of the international boundary in the Sir Creek area."<sup>12</sup> The announcement was significant in view of the sharp differences over the dispute that marked earlier negotiations. Pakistan demonstrated great flexibility by giving up its insistence on international arbitration - a proposal that India had out rightly rejected.

The first Joint Survey of the Sir Creek, was conducted by the Pakistani and the Indian teams in January 2005. The survey covered only the marshy land portion of the creek up to G-pillar 45. In December 2006, Pakistan and

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<sup>11</sup> Even the latest (11<sup>th</sup>) round of discussion at Defence Secretaries level on Siachen held on 7 April 2007 in Islamabad ended without making any headway, despite "optimism" expressed by both sides before the meeting. See *Dawn* (Islamabad), 8 April 2007.

<sup>12</sup> *The Tribune* (Chandigarh), <http://www.tribuneindia.com/2004/20040912/main1.htm> - accessed on 18 January 2007.

India held talks on the Sir Creek in Rawalpindi and decided to start the second joint survey from the second week of January 2007. In this meeting, Pakistani side was represented by Major General Jamilur Rehman, the Surveyor-General of Pakistan, while the Indian side was represented by Rear Admiral B. R. Rao, Chief Naval Hydrographer of India.<sup>13</sup> In accordance with the decision of this meeting, a team consisting of Pakistani and the Indian experts conducted further survey from the G-Pillar 46 in watery portion of the creek. Since this time, only the watery portion of the creek was to be surveyed, work was completed easily in relatively short time.<sup>14</sup>

Although dispute over the Sir Creek is covered by the ongoing composite dialogue between Pakistan and India, there is one legal feature of the dispute, which distinguishes it from other disputes. The dispute is not only a part of political process between Pakistan and India; it is also clearly and closely linked to the obligations of both countries under the 1982 UNCLOS. Even if there had been no dialogue process between Pakistan and India, both countries have the obligations under Article 76 (in respect of Continental Shelf), Article 74 (in respect of the Exclusive Economic Zone) and Article 15 (in respect of the territorial sea) of the 1982 Law of the Sea Convention to arrive at a negotiated settlement based on the principles of International Law. India has tried to separate the dispute over the land boundaries demarcation from that of determining the maritime limits in the Arabian Sea between the two countries, but even then, as one expert has asserted, the obligations under the 1982 Law of the Sea Convention remain unfulfilled because the sea boundaries remain undivided. In case the two countries fail to reach an agreement, then Part XV of the 1982 Law, which provides for the formal mechanism in respect of the settlement of disputes, can be invoked. A deadlock over the dispute can lead the two countries to resort to the 1982 UNCLOS.<sup>15</sup>

### **Implications for the Peace Process**

The peace process between Pakistan and India initiated in early January 2004, has continued without a breakdown. It has also reduced tension between the two countries and led to the establishment of new CBMs. It enjoys popular support on both sides of the border and the two governments have termed it useful with satisfactory progress. But the process also remains vulnerable, as very little movement has taken place in the direction of conflict resolution. A successful settlement of the dispute like Sir Creek boundary dispute can,

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<sup>13</sup> *Dawn* (Islamabad), 23 December 2006.

<sup>14</sup> Gujrat Global.com, 16 January 2007,  
<http://www.gujratglobal.com/nextSub.php?id=2216&catype=NEWS>.

<sup>15</sup> Ahmer Bilal Soofi, op. cit., p. 4.



therefore, help change the parameters of India-Pakistan relations, enabling them to move forward on the more difficult issue of Kashmir.<sup>16</sup>

Although six rounds of talks were held between 1998 and 2004 on the issue of Sir Creek, the two sides could not achieve any progress. The main reason was the huge trust deficit between the two countries, which prevented them to take bold decisions to break deadlock on the contentious bilateral issues, including the dispute over the Sir Creek. On 6 January 2004, President Musharraf and Prime Minister Vajpayee, after their meeting in Islamabad, issued a Joint Statement, in which the two leaders decided to resume the stalled dialogue process between Pakistan and India and expressed their determination to resolve all the outstanding bilateral disputes between the two countries, including the dispute over Jammu and Kashmir. Although three and half year old peace process has not produced any major breakthrough, it cannot be denied that it has considerably lessened the tension in South Asia. There is a greater interaction between Pakistan and India through increased people to people contact and implementation of CBMs that the two countries agreed upon since the start of the peace process.<sup>17</sup> These CBMs have considerably helped reduce trust deficit between Pakistan and India, and the two countries are now in a position to look forward and move from the area of conflict management into the area of conflict resolution. A settlement of the row over Sir Creek, would be the first major success in the area of conflict resolution providing an immense boost to otherwise fragile peace process between Pakistan and India. It would enable the two countries to settle their maritime boundary disputes and meet the deadline fixed by the UNCLOS for submitting their claims on the demarcation of continental shelves and EEZs. If the dispute over the Sir Creek is allowed to fester, it would not be possible for Pakistan and India to submit their claims under UNCLOS on the limits of their respective continental shelves. Without the demarcation of maritime boundaries, the two countries cannot exploit resources in their EEZs, where deposits of oil and gas are thought to be located. Apart from economic dimension, there are also humanitarian and security aspects that call for a settlement of the dispute over the Sir Creek.

Since maritime boundaries of the two countries are not clearly marked, the fishermen of the two countries, who are mostly poor, either advertently or inadvertently, trespass into each other's territorial waters. Hundreds of such fishermen are arrested by the maritime security forces of Pakistan and India every year. Their boats are confiscated and they are put into jails. They lose not only their means of livelihood but also freedom for periods

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<sup>16</sup> Bharat Bhushan, *op. cit.*, p.1.

<sup>17</sup> These CBMs are: opening of Muzaffarabad-Srinagar bus service, restoration of Khokhrapar-Munabao rail link, Amritsar-Lahore bus service, Amritsar-Nankana bus service, agreement on nuclear risk-reduction, and signing of a shipping protocol.

that may extend to several years. Given the state of relations between Pakistan and India, these unfortunate prisoners, who include both young and elderly, are often mistreated in jails and kept as prisoners of war. Their misfortune stems from their long stay into the sea, often extending to fifteen days during which they stray into the waters of Pakistan and India. The two countries regulate their waters by laws that have not been brought into conformity with UNCLOS, chiefly due to the unresolved status of Sir Creek. This leads to the capture of hundreds of fishermen by the security agencies of the two countries. As a Pakistani newspaper has commented on the situation, “The fishermen are trapped in the situation created by the non-resolution of the Sir Creek dispute, and the two states actually seem to be shamelessly using their fishermen to put pressure on each other to sign on the dotted line. In fact, when the fishermen are released periodically, they provide photo opportunities to state propaganda machines on both sides to defame each other.”<sup>18</sup>

It is not only the plight of poor fishermen that presents a security risk to the two countries, ecological and environmental disaster due to ruthless exploitation of marine resources off the Indian and Pakistan coasts is fast developing a threat to the security of the two countries. The threat is in the form of steady decline of fishery stocks, pollution and environmental degradation. Ironically, it is the fishermen who are mainly asked to pay the price for ecological degradation. Various steps taken by the state authorities, like ban on the fishing or denying access to the fishermen to certain areas, lead to conflicts that may also include conflict between one nation and the other. As has been remarked,” “the political situation between India and Pakistan has enhanced the crisis.”<sup>19</sup>

No wonder, the festering dispute over the Sir Creek has exacerbated the already tense security situation on the border between the two countries. In August 1999, a Pakistani Atlantic surveillance aircraft was shot down by the Indian Air Force in the Rann of Kutch. India claimed that the Pakistani aircraft was on a spying mission and had violated Indian airspace. In this shoot down, all the 16 personnel on board, who included 10 sailors and six crew members, were killed. An inquiry carried out on the request of Pakistan,

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<sup>18</sup> *Daily Times* (Lahore), 17 January 2007. For the fishermen, the concept of sea borders is often difficult to comprehend, as they are often blurred, and the seas in any case are intricately linked to their livelihoods. However, they are repeatedly arrested and jailed for several years for transgressing the maritime boundaries between the two countries, while engaged in fishing and are treated almost as prisoners of war. The arrests began as early as 1987, and continue till to date. These fisherfolk, already disadvantaged due to ecological malaise, declining fish catch, increasing mechanisation and government onslaught, have been further torn due to specific nature of relations between India and Pakistan. Charu Gupta, Mukul Sharma, op. cit. , p. 3.

<sup>19</sup> *Ibid.*, p.5.

however, belied the Indian claim that the debris fell two kilometers within its territory. Actually, the debris of the plane fell on both sides of the border between Pakistan and India. There was further shooting between the Indian and Pakistani forces in the area as the Indian side tried to ferry journalists to the site where the debris had fallen.<sup>20</sup> In addition to the Atlantique incident, Pakistan and India have frequently traded accusations of violating airspace, over the un-demarcated economic zones. In February 2006, Pakistan claimed that an Indian maritime aircraft and two Coast Guard Fast Crafts had violated its air space and EEZ. The Government of Pakistan termed this action as provocative and “in contravention of the Pakistan-India Agreement on Advance Notice on Military Exercises, Manoeuvres and Troop Movement of 6 April 1991 as well as neighbourly relations and good seamanship practices.” A protest was lodged with the Government of India, through Indian High Commission in Islamabad.<sup>21</sup>

The significance of the resolution of dispute over Sir Creek for Indo-Pak peace process can better be understood in the context of realisation by the two countries that the settlement of their bilateral disputes, including the dispute over Jammu and Kashmir through talks and peaceful means, is in their interest. Both states have come to the conclusion that war, especially after the nuclearisation of South Asia, is no longer an option for settlement of the disputes. Although Pakistan and India still hold divergent views on Kashmir, the two sides have moved much closer to hold a common view that in order to achieve the objective of the peace process, a step by step approach should be adopted. It amounts to the position that relatively smaller and easier issues, like Siachen, Wullar Barrage and Sir Creek, should be tackled first. Their settlement would pave the way for the resolution of bigger and more complex issues like Kashmir. Previously, Indo-Pak talks on the bilateral issues remained deadlocked due to the rigid positions, adopted by the two countries. Pakistan insisted that Kashmir should top the agenda of the talks. The resolution of Kashmir dispute, from Pakistani perspective, was a pre-condition for progress on other areas, like increased contact between the people of the two countries, trade, economic cooperation and cultural exchanges, and opening of new rail and bus routes. From the Indian side, the main stumbling block was its refusal to accept the disputed nature of Kashmir issue and insistence on calling the state as an integral part of India. It was this wide gap between the positions of the two countries that Indo-Pak talks initiated in 1994, remained in hiatus for some years. The deadlock was broken in early 1997, when the two sides dropped their pre-conditions and resumed talks on the agenda that provided

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<sup>20</sup> Bharat Bhushan, op. cit, p. 3.

<sup>21</sup> Global Security.org,

<http://www.globalsecurity.org/wmd/library/news/pakistan/2006/pakistan-060217-irna01.htm>.

for discussion on all disputes, including the dispute over Jammu and Kashmir. This process culminated in the historic visit of Indian Prime Minister Atal Bihari Vajpayee to Lahore in February 1999 and issuance of Lahore Declaration, setting the stage for further talks between the two countries that also included the discussion on the Jammu and Kashmir dispute.

But the real breakthrough came in January 2004, when on the sidelines of 12<sup>th</sup> SAARC Summit in Islamabad, a meeting took place between President General Pervez Musharraf and Prime Minister Vajpayee. The meeting led to the issuance of a joint statement on 6 January 2004, under which the two countries decided to resume composite dialogue. The significance of the joint statement lies in the fact that it sought to address the concerns of both sides that had so far blocked the opening of normalisation talks between the two countries. Pakistan pledged not to allow its soil to be used for terrorist activities against any country, while India made a commitment to work with Pakistan for the resolution of all outstanding bilateral disputes, including the dispute of Jammu and Kashmir. For the first time, India acknowledged that Kashmir was a disputed territory, whose final solution was still to be determined. It was a departure from the traditional Indian stand, under which it rejected all references to Kashmir as a dispute between Pakistan and India. However, despite the pledge contained in the joint statement to resolve the Kashmir dispute along with other bilateral disputes, there has been no tangible progress on Kashmir. This has, no doubt, caused disappointment on Pakistani end, where dissatisfaction is being openly expressed at the slow pace of the peace process. But both sides have expressed their determination to continue the peace process, as it has led to a marked improvement in the relations between Pakistan and India. This improvement is reflected in the reduction of tension and implementation of a number of Confidence Building Measures (CBMs) between Pakistan and India. The progress so far achieved under the ongoing peace process, has strengthened the belief on both sides of the border that through a step by step approach, Pakistan and India would ultimately succeed in resolving even the most complex disputes, like the Jammu and Kashmir dispute. The settlement of comparatively easier and smaller disputes like the Sir Creek, therefore, assumes great significance as an important step in the direction of resolving bigger and more difficult disputes like Jammu and Kashmir.

### **Conclusion**

Despite slow pace and lack of any tangible movement on conflict resolution, Pakistan and India, seem determined to continue the peace process and composite dialogue to resolve all outstanding bilateral disputes, including the dispute over Jammu and Kashmir. Both concur that a step by step approach is best suited to the resolution of difficult and complex disputes between the two

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countries. Under this strategy, the two sides are concentrating on less difficult and simpler issues like Sir Creek. The two countries are reported to have overcome a number of obstacles in the way of final settlement of the Sir Creek dispute. The joint survey and the agreement on a common map is an important achievement of the dialogue process the two countries are continuing since 2004. Although, as the last round of talks, held in Rawalpindi on 17-18 May 2007, showed the two countries still have differences over the basic issue, it is hoped they would find this issue easier to resolve. The resolution of this dispute will not only enable the two countries to demarcate their maritime limits in the Arabian Sea, it will boost the prospects of progress on other issues, like Jammu and Kashmir and open trade between the two countries that are more complex and difficult issues to resolve. From the Pakistani as well as from the Indian perspective, the resolution of dispute over Sir Creek will be an important step towards realising the logical end of the peace process, i.e., the resolution of all bilateral disputes in accordance with step by step approach. ■

## REGIONAL NON-PROLIFERATION REGIME (RNR) A NEW APPROACH TO INTEGRATING DE FACTO NUCLEAR WEAPON STATES INTO THE INTERNATIONAL NON-PROLIFERATION REGIME: THE CASE OF SOUTH ASIA

Adil Sultan\*

### Preamble

The Nuclear Non-proliferation Treaty (NPT) has remained a major pillar of the international non-proliferation regime for the last 39 years. Despite being discriminatory in nature, the treaty did prevent a “proliferation chaos”. The international community’s reluctance to recognize the three non-NPT de facto nuclear weapon states (NWS) as nuclear powers, allegations of Iraq in possession of nuclear weapons programme, North Korean nuclear ambitions, Iran’s threat to withdraw from the NPT, and finally the controversial Indo-US nuclear deal<sup>1</sup> – all combined together, have started to unravel the global non-proliferation regime.

As long as the regime is not made universal, on the principles of mutual respect and collective obligations, there is a great chance that more states would try to breakaway from their obligations, undertaken through the NPT. “It is, therefore, important to normalise the relationship of the three non-NPT states with the non-proliferation regime and secure their support for a revitalized regime.... Reality and legality should be reconciled. Such normalization could not be achieved by multiplying discrimination and double standards.”<sup>2</sup> A similar concern was earlier highlighted by the Director General International Atomic Energy Agency (DG IAEA), who suggested, “Either we begin finding creative, outside-the-box solutions [for the three NWS] or the international nuclear safeguards regime will become obsolete.”<sup>3</sup>

One such “out of the box” solution for the non-NPT nuclear weapon states, could be to compartmentalise the problem by facilitating a regional

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\* Islamabad based analyst.

<sup>1</sup> For detailed analysis on the non-proliferation implications of the India-US Nuclear Agreement, see Stimson Center “*Backgrounders*” by Michael Krepon, <http://www.stimson.org/southasia/?SN=SA20051212930>.

<sup>2</sup> “Pakistan for ‘new security consensus’ on nuclear proliferation”, Pakistan’s Ambassador at the UN, speaking in the UN Disarmament Commission on 10 April 2007, *The News*, 12 April 2007.

<sup>3</sup> Mohamed ElBaradei, “Rethinking Nuclear Safeguards” *Washington Post*, 14 June 2006, <http://www.washingtonpost.com/wpdyn/content/article/2006/06/13/AR2006061301498.html>.

treaty that could bring at least two out of the three non-NPT NWS under some legal obligations with an objective of reducing the likelihood of horizontal proliferation of nuclear technology. Such an arrangement could be termed as Regional Non-proliferation Regime (RNR). To start with, both India and Pakistan, could be encouraged to negotiate a bilateral treaty on the pattern of NPT - but with a pragmatic view on the idea of nuclear disarmament that in any way would be very un-realpolitik - as long as other countries continue to justify their nuclear weapons on various pretexts. Moreover, such an initiative is unlikely to reach fruition, unless reciprocated, through a quid pro quo. If India and Pakistan agree to such a proposal, in return, they could demand recognition as nuclear weapon states, which would also pave way for civil nuclear trade with members of the Nuclear Suppliers Group (NSG).<sup>4</sup>

Before we embark upon exploring new strategies to strengthen the global non-proliferation norms, it would be worthwhile to have a detailed overview of the existing non-proliferation regime itself, the threats and the possible options to strengthen the regime.

### **Why Nuclear Non-Proliferation Regime is Necessary?**

The nuclear non-proliferation regime can be defined as “a combination of domestic laws, international institutions, technical arrangements, and bilateral agreements – all held together by skilful diplomacy and a little smoke and mirrors.”<sup>5</sup> The history of nuclear proliferation shows that non-proliferation regimes do matter. They erect legal barriers; embody non-proliferation norms; raise the stakes of acquiring nuclear weapons; build confidence; and provide a framework for export control, verification, and collective responses. Hence, regimes are a necessary element to prevent spread of nuclear weapons. Overall, the non-proliferation regime is in fact a dynamic system amenable to growth and innovation.<sup>6</sup>

After the destruction of Japanese cities Hiroshima and Nagasaki, the complex international politics of nuclear weapons development and abolition started. Destruction caused by *Little Boy* and *Fat Man*, on 6 and 9 August 1945, compelled people like Oppenheimer - the architect of atomic bomb - to launch a campaign to halt further proliferation of nuclear technology other than for peaceful purposes. Working for Acheson-Lilienthal Commission,

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<sup>4</sup> The Nuclear Suppliers Group (NSG) is a group of presently 45 nuclear supplier countries, which seeks to contribute to the non-proliferation of nuclear weapons through the implementation of guidelines for nuclear and nuclear related exports.

<sup>5</sup> Steven Dolley, “Rapporteur’s Summary of the Nuclear Control Institute Twentieth Anniversary Conference,” in Paul Leventhal, Sharon Tanzer & Steven Dolley, eds., *Nuclear Power and the Spread of Nuclear Weapons: Can We Have One Without the Other?* (New Delhi: Manas Publications, 2005), p. 34.

<sup>6</sup> *Ibid.*, pp. 37-38.

established by President Truman, Oppenheimer's scientific committee issued a report in March 1946, calling for an international authority to govern all atomic activities, and to ensure through a system of international inspections that such programmes remained oriented towards peaceful uses of nuclear energy. The report also called for the eventual elimination of atomic weapons, once the new international authority was in place and firmly established.<sup>7</sup> President Dwight Eisenhower, who succeeded Truman, proposed before the United Nations that the US and Soviet Union could offer certain amount of fissile material under international safeguards to countries that agree not to pursue developing nuclear material at their own. The Atoms for Peace proposal, received widespread support from many countries. However, one of the hidden motives behind this proposal, was to constrain Soviet nuclear weapons programme, as it was believed that the latter had limited stockpile.

The proposal led to changes in US policy governing nuclear trade with other countries. While the US nuclear industry expanded its ties with other countries, seeking access to nuclear technology, there was a need for an international body that could regulate this trade for peaceful purposes. Therefore, IAEA was created in 1957 to check that any material provided for peaceful purposes is not diverted for military means. The nuclear cooperation met requirements of most recipient countries and they found little or no incentive to develop their own nuclear fuel technology. However, in few cases, such as India, the nuclear cooperation resulted instead in furthering of domestic nuclear weapon programme.<sup>8</sup>

Looking back at the history of the nuclear non-proliferation regime, it would be useful to ask several questions.<sup>9</sup> How effective had been the instruments that were in place to check proliferation of nuclear weapons technology? How effective were the pre-conditions, set for the supply of nuclear technology on determined proliferators like India, which subsequently led Pakistan to follow suit. Did US laws and policies help delay New Delhi's decision making regarding its use of civil nuclear technology to build nuclear weapons? If these restrictions were not in place, where would India's nuclear weapons programme be today, or for that matter, how many more states would have become nuclear weapon states?

### **Evolution of Non-Proliferation Regime**

The horizontal proliferation of nuclear technology and emergence of new nuclear weapon states forced US and the former Soviet Union to work

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<sup>7</sup> Sarah J. Diehl & James Clay Moltz, *A Handbook of Nuclear Weapons & Non Proliferation*, (New Delhi: Pentagon Press, 2005), p. 6.

<sup>8</sup> *Ibid.*, p. 9.

<sup>9</sup> Zachary S. Davis "Overview of Nuclear Power and Nuclear Weapons" in Paul Leventhal, et. al., *op. cit.*, p. 186.



collectively to develop an institutional arrangement to restrict proliferation of nuclear weapons technology to the new aspirants. The 1964 nuclear explosion by China and efforts by Israel in early to mid 1960s to develop its own nuclear capability helped animate US interest, thus leading to the culmination of 1968 Treaty on the Non-proliferation of Nuclear Weapons, known as Non-Proliferation Treaty or the NPT. The treaty entered into force in 1970 after ratification by respective governments.

The five states that had exploded nuclear device prior to January 1, 1967 and were recognised for the purpose of the treaty as nuclear weapons states (NWS), included the US, the USSR, the UK, China and France. These states were under no obligation to accept safeguards on their nuclear facilities. They accepted voluntary safeguards on some of their civilian nuclear facilities but not on the military ones. The three non-NPT states that did not join the NPT but are now de facto NWS include; Pakistan, India and Israel. Since 2003, North Korea has also withdrawn its membership from the NPT.

The basic concept underlying the NPT, involved a bargain in which non-nuclear weapon states (NNWS) agreed to give up their right to possess nuclear weapons in return for an access to peaceful uses of nuclear technology. The NWS, on their part, agreed not to transfer nuclear technology to any NNWS that could be used for military purposes, and to work towards complete nuclear disarmament. The NPT became a cliché for the future international non-proliferation regime.

Till 1974, the primary organisation responsible for regulating nuclear exports was the NPT Exporters Committee, also known as Zangger Committee, named after its first Chairman Claude Zangger. It was a group of nuclear supplier states regulating nuclear trade through a trigger list and ensured that the recipient states accept safeguards to obviate any misuse of this nuclear technology for weapons development. India's nuclear test of 1974, made possible by diverting civil nuclear technology, provided by the US and Canada for peaceful purposes, forced the international community to strengthen its controls to preclude any future misuse of civil nuclear technology. As a result, a new organisation [grouping] was formed in 1974, known as Nuclear Suppliers Group (NSG), which added enrichment and reprocessing technologies to its control list.

The NSG is not a formal treaty but an informal arrangement between 45 member countries that work on consensus, and regulate nuclear trade with other countries. The primary objective of the NSG is to prevent misuse of civilian nuclear technology for military purposes. It has two sets of guidelines. The first set of guidelines – INFCIRC/254 Part I – governs the export of items that are especially designed or prepared for nuclear use, including fissile materials, nuclear reactors and equipment, reprocessing and enrichment equipment. These guidelines were adopted as a result of India's nuclear explosion of 1974, which highlighted the need to obviate future possibility of

misuse of nuclear technology. The second set of guidelines, known as INFCIRC/254 – Part II, governs the export of nuclear related dual use items and technologies; items that can make a major contribution to an unsafeguarded nuclear fuel cycle or nuclear explosive activity, but have non-weapon uses as well. These guidelines were adopted, following Iraqi attempts to use dual items for weapons programme.

All these elements of nuclear non-proliferation regime, aimed at precluding proliferation of nuclear technology and equipment, do not address the intangible form of proliferation, where nuclear knowledge acquired for peaceful purposes could be misused for developing nuclear weapons. For example, United States trained more than one thousand Indian scientists and engineers in the garb of civil nuclear assistance to India, but most of them were frequently employed on India's nuclear weapons programme. In fact, all the key figures in India's nuclear weapons programme have simultaneously worked on civil projects, and could be termed as 'dual use' people.<sup>10</sup>

Despite many shortcomings in the global non-proliferation regime and emergence of new threats to the international non-proliferation regime, the NPT has been an important instrument so far to control horizontal proliferation of nuclear weapons technology. Otherwise, as President Kennedy had predicted in 1963, there could have been as many as 20 nuclear weapon states in the world by 1975.<sup>11</sup>

### **New Threats to International Non-Proliferation Regime**

The international non-proliferation regime is coming under increasing stress because of lack of consensus on new measures and diplomatic initiatives to strengthen compliance and implementation by its 188 NPT member states, and it is becoming increasingly difficult to hold the three NPT outsiders – India, Pakistan, and Israel – to the same non-proliferation and disarmament standards as expected of other states.<sup>12</sup> With some states already on the verge of abandoning the NPT, the proposed India-US nuclear cooperation agreement that gives India virtual status of NWS,<sup>13</sup> would further degrade the NPT principles. Cracks have already started to develop in the non-proliferation regime's practices and institutions, particularly with respect to the policy of the NSG, to require full scope safeguards as a condition of supply. While the US is still working out to draw India-specific exceptions from the

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<sup>10</sup> Steven Dolley, *op. cit.*, p. 36.

<sup>11</sup> "Mohamed Elbaradei Calls for a New Global Security Landscape" 30 May 2006, <http://cns.miis.edu/cns/media/pr060531.htm>.

<sup>12</sup> Presentation by Daryl G. Kimball, Executive Director, Arms Control Association, at the 18<sup>th</sup> UN Conference on Disarmament Issues in Yokohama, August 2006.

<sup>13</sup> *Ibid.*

NSG, Russia has been quick to resume supply of nuclear fuel to India, which could encourage other suppliers to follow suit.

The NSG that was created in response to India's misuse of civil nuclear technology, would outlive its utility by making India-specific exception. It would lead to undue resentment amongst countries, who had been the victims of such nuclear denial regimes, and those who gave up nuclear option voluntarily. The proposed India-US civil nuclear cooperation agreement is also in contradiction with Article 1 of the NPT, in which all NWS pledged not to assist NNWS in any way that could eventually assist development of nuclear weapons or further enhancing this capability. The supporters of the deal, however, have a different interpretation of the 39 years old treaty. According to this view, "the claim that such substitution effects would make nuclear cooperation with India illegal under the NPT is based on a novel legal interpretation of U.S. obligations that has never been accepted by the U.S. government since the United States signed the treaty in 1968"<sup>14</sup> - and term the violation as "petty canard". Henry Sokolski and many others, do not agree with this new interpretation of the NPT. According to Sokolski; "the violation is hardly a "petty canard", it's a real problem – one which, as the US and its allies plead their case against Iran and North Korea – is only likely to become more of a headache. The US will be joining the ranks of North Korea and Iran as NPT violators"<sup>15</sup>.

Such arguments are, in fact, self serving piffle as the merits and demerits could well be analysed by demanding answers to the following questions: Will India-US nuclear cooperation agreement make the international non-proliferation regime more comprehensive or is likely to unravel it? Are the legal, multilateral, and technical barriers put in place to maintain the separation between civil and military nuclear activities wearing thin? If the regime is in decline, as a result of differing priorities, how long will it take before it loses its credibility – five, ten, or twenty-five years?<sup>16</sup>

In the South Asian security environment, a country specific approach by the US towards India could cause resentment on the Pakistani side, as was evident from Pakistani Foreign Minister's statement in which he said that Pakistan would get civil nuclear technology at any cost, and developed nations' hesitation in transferring the technology to the country was

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<sup>14</sup> Ashley J. Tellis, "Atoms for War? U.S.-Indian Civilian Nuclear Cooperation and India's Nuclear Arsenal", Carnegie Endowment for International Peace, <http://www.carnegieendowment.org/publications/index.cfm?fa=view&id=18443&prog=zgp>.

<sup>15</sup> Henry Sokolski, "Unconditionally Bad", 26 June, 2006, <http://article.nationalreview.com/?q=NDlwYmQzNzMyY2Y2YWViYWFLY2VjYThjMzNlZTk5ODI>.

<sup>16</sup> Zacharay Davis, *op. cit.*, p. 187.

incomprehensible.<sup>17</sup> If the deal is destined to enhance India's economic growth and is for peaceful purposes, Pakistan is justified to demand a similar treatment. And if the deal is destined to build India's nuclear weapons potential, which seems to be the case, then Pakistan has a legitimate security concern. For India, Pakistan may be one of the concerns but for Pakistan, India is the only security concern. Therefore, if Pakistan is atomically quarantined by making India-specific exceptions, facilitating the latter to make qualitative and quantitative improvement in its nuclear weapons programme, it may not be easy to convince Pakistan to let India undermine credibility of Pakistan's nuclear deterrence.

There are fears that by cooperating with India's civilian nuclear programme, the United States could create the appearance of disregarding NPT strictures and thereby undermine its integrity. To maintain the credibility of the NPT, the US government should, therefore, develop a criteria-based policy, rather than an India-based policy. A criteria-based policy will also reassure other NPT member countries that the US-India agreement will not undermine the international non-proliferation regime.<sup>18</sup> The demerits for a country specific exception without adequate safeguards outweigh the potential merits for any such cooperation. A country-neutral approach would, therefore, be more beneficial that establishes universal standards that apply to all states and provide a way for the three states that never signed the NPT, to join the non-proliferation system and gain access to peaceful civil nuclear technology.<sup>19</sup>

### **The 5+3 Dilemma**

The international non-proliferation regime, could only become more secure and comprehensive with the involvement of three de facto NWS, i.e. Pakistan, India and Israel. Unless the 5+3 dilemma is resolved, countries with nuclear know-how and political will would continue to look for reasons to breakaway from their NPT obligations, thus fracturing the non-proliferation regime permanently. Highlighting this danger, DG IAEA in his June 2006 article wrote; "However fervently we might wish it, none of these three [India, Pakistan and Israel] is likely to give up its nuclear weapons or nuclear weapons option outside of a global or regional arms control framework. Our traditional strategy – of treating such states as outsiders – is no longer a realistic method of bringing these last few countries into the fold.... As we face the future, other strategies must be found to enlist Pakistan, India and Israel as partners in

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<sup>17</sup> "Pakistan will get civil N-tech at any cost", *Daily Times* (Lahore), 12 September 2006, [www.dailytimes.com.pk/print.asp?page=2006/09/21/story\\_21-9-2006\\_pg7\\_2](http://www.dailytimes.com.pk/print.asp?page=2006/09/21/story_21-9-2006_pg7_2).

<sup>18</sup> Dana R. Dillon & Baker Spring, "Nuclear India and the Non-Proliferation Treaty", *Backgrounders* # 1935, 18 May 2006, The Heritage Foundation, <http://www.heritage.org/Research/MissileDefense/bg1935.cfm>.

<sup>19</sup> Daryl G. Kimball, op. cit.

nuclear arms control and non-proliferation. Whatever form those solutions take, they will need to address not only nuclear weapons but also the much broader range of security concerns facing each country.”<sup>20</sup>

In the NPT, there is no such thing as “legitimate” or “illegitimate” NWS.<sup>21</sup> The five NWS that are recognised in the treaty as holders of nuclear weapons was regarded as a matter of transition; the treaty does not in any sense confer permanent status on those states as weapon holders.<sup>22</sup> The NPT needs to be under-girded by a new strategy. While it is not practical to hold the world’s nuclear powers to their original promise to eliminate nuclear weapons in the foreseeable future, at the same time it is not reasonable to expect the world’s nuclear have-nots to accept second class status indefinitely, especially, if their national security seems to demand a formidable deterrent of some sort.

However, the old NPT bargain does not need to be explicitly discarded – doing so would probably cause more harm than good – but it must be thoroughly renovated. Most countries do not benefit from having nuclear weapons and they recognise the fact. Most are not at serious risk of attack. For others, nuclear weapons could not credibly prevent the kinds of attack that they would most likely suffer. Some realise that pursuing nuclear weapons might inflame tense political relationships in their respective neighborhood and make conflicts likely. And most benefit from participating in a regime that, in exchange for their foregoing nuclear weapons, reassures them their neighbours will forego them too.<sup>23</sup> Having said that all, the eight NWS do correctly feel that having nuclear weapons improves their security and have, therefore, developed their own nuclear deterrents.

The international arms control strategy, therefore, should be designed to stop the spread of nuclear arms – not to cap or to structure existing arsenals, but simply to prevent the possession of nuclear weapons by new actors. At the same time, the attainment of universality of the NPT seems increasingly unlikely. Once NPT was drafted, there were five nuclear weapon states and any provision allowing for an increase in the number of possessor states would be in contradiction with the very purpose of the treaty. But as highlighted earlier, there is a need to find ways where the three de facto NWS could be integrated into the global non-proliferation regime, and one such way could be to have a regional arrangement that could be termed as Regional Non-proliferation Regime.

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<sup>20</sup> ElBaradei, “Rethinking Nuclear Safeguards”, op. cit.

<sup>21</sup> Ibid.

<sup>22</sup> In Article IX, paragraph 3, of the NPT a nuclear weapon state is defined as one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to January 1, 1967.

<sup>23</sup> Michael A. Levi & Michael E. O’ Hanlon, *The Future of Arms Control*, (New Delhi: Manas Publications, 2005), pp. 131-132.

### **Regional Non-Proliferation Regime (RNR)**

The primary objective of the RNR is to bring the two non-NPT NWS, i.e. India and Pakistan under treaty obligations and in return facilitate legitimate civil nuclear trade with the NSG members.

#### *Why RNR is Needed?*

If both South Asian states are barred from non-proliferation regime, whilst not recognising the reality of their nuclear weapon status, the threat of proliferation would continue to undermine the overall non-proliferation goals. As long as India and Pakistan remain outside any institutional arrangement, they would be under no legal obligations to adopt measures that could effectively preclude the possibility of nuclear proliferation.

#### *How Regimes Could Strengthen Nonproliferation Norms?*

Regimes such as NPT or the proposed RNR, therefore, provide institutional arrangements, intended to bring about collective outcomes in international society through the establishment of norms, rules and procedures that regulate and constrain behaviour in a given area of activity. Participation in a treaty-based nuclear non-proliferation regime entails commitments with respect to behaviour in the nuclear arena. Experience shows that regimes do in fact matter.<sup>24</sup>

- They erect legal barriers against the further spread of nuclear weapons.
- Make political decisions to acquire/ make qualitative or quantitative improvement in nuclear weapons more difficult, and raise the stakes of doing so.
- They serve as confidence building measures that help to reinforce national security.
- They provide a framework within which export control, verification, and collective response measures can be formulated and implemented.

The institutional and technical strategies alone or in tandem, are insufficient to deal with the proliferation risk associated with nuclear technology, and would need additional measures from the political leadership of a country.<sup>25</sup> These measures may include: unwavering political commitment by governments to prevent proliferation and to address it where it occurs; establishment of non-proliferation as a priority in the political and security agendas of the governments of the leading states in the international system;

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<sup>24</sup> Lawrence Scheinman, "The Nonproliferation Regime and Fissile Material" in Paul Leventhal, et. al., op. cit., p. 202.

<sup>25</sup> Ibid.

leadership by those states in strengthening the non-proliferation regime; and a determined collective response in cases of non-compliance that leaves the leaders of those states that are contemplating proliferation with no doubt that the international community will stand together in dealing with such incidents.

#### *How RNR Can Work?*

Through RNR, which essentially could be a bilateral institutional arrangement, both India and Pakistan could be integrated into international non-proliferation regime without revamping the NPT. The treaty-bound obligations verifiable through mutually agreed mechanism would commit both countries to work with the international community to limit proliferation of nuclear weapons to other countries. In future, the arrangement could possibly be expanded and another regional arrangement could be worked out on the similar pattern for the Middle East – to integrate Israel into the regime thus possibly resolving the problem of the three de facto NWS outside the NPT.

The RNR is compartmentalisation of the problem of the two non-NPT NWS. It should not have any utopian ideals of the NPT that have not worked in the past and are unlikely to bear fruit in the future – unless the NWS set a positive example by taking concrete steps to demonstrate that they are serious about fulfilling their disarmament commitment under Article VI of the NPT.<sup>26</sup> Any durable regime must recognise that states will seek nuclear weapons unless their security concerns are addressed through cooperative mechanism, based on the principle of universality. Moreover, the global nuclear disarmament objective cannot be achieved, unless the five major NWS set a precedent towards global nuclear disarmament.

#### *Reciprocity is the Key for RNR Success*

RNR is not an attempt to exempt both India and Pakistan from the basic objectives of the NPT, but is a way to integrate the two de facto NWS into non-proliferation regime, by bringing both RNR and the NPT objectives congruent with each other. These obligations, however, cannot be unilateral. Reciprocity shall be the key to its success. Integration into non-proliferation regime through RNR is a must and should entail sufficient incentives by the international community, like opening of civil nuclear trade and membership of the NSG. Without quid pro quo any attempt to extract unilateral concession from either of the two, is unlikely to materialise, as is evident from the past history of sanctions and other coercive means, used to force both India and Pakistan to abandon their nuclear weapons pursuit.

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<sup>26</sup> “Mohamed Elbaradei Calls for a New Global Security Landscape”, op. cit.

*Will India Enter into a Bilateral Commitment?*

In the changed geo-strategic environment, where India is gearing to assume the role of a strategic partner to the US, would it be prudent to expect India entering into a treaty regime, thus assuming obligations that otherwise are not required for the fruition of the envisioned India-US strategic partnership? If horizontal proliferation of nuclear technology is a real concern for the international community, then exclusion of India and Pakistan from non-proliferation obligations would hardly make any sense. Following the implementation of India-US nuclear deal without any meaningful restraints on India further heightens the risk of nuclear proliferation because of various reasons. First, expansion in India's nuclear industry base and involvement of civil entities would increase the possibility of proliferation of nuclear technology; second, India could possibly misuse the civil nuclear cooperation for military ends, thus putting pressure on Pakistan to acquire and maintain rough parity. A regional non-proliferation regime could eliminate or lessen the possibility of nuclear arms race; and third, a country-specific approach weakens the NPT principles. Notwithstanding the fact that India and Pakistan both cannot join the NPT in its current form, the global non-proliferation principles, could still be held through a regional non-proliferation treaty.

*RNR as a Nuclear CBM*

The RNR could be a part of the ongoing nuclear confidence building measures, and could have mutually agreed broad guidelines. These could be: first, both could undertake treaty bound commitment – no nuclear technology/ nuclear material shall be transferred outside without international safeguards; second, civil nuclear technology acquired from the NSG would not be used for developing nuclear weapons; and thirdly, the RNR would compliment and aim to achieve broader goals of the NPT.

In order to be effective, the RNR would require transparency measures which might be difficult to negotiate bilaterally. Without verification and transparency measures, any arms control effort especially in the South Asian environment, is unlikely to meet significant success. The South Asian security environment represents one such dilemma, where long outstanding disputes, regional rivalry, mistrust, conventional asymmetries and nuclear competitions have fuelled insecurities amongst regional adversaries. Long history of broken promises, frequent breakdown in peace talks and confidence building measures indicate that the transparency measures needed to implement the non-proliferation regime between India and Pakistan, could be an extremely difficult proposition. However, if the RNR has to be effective, both countries would have to work collectively to identify transparency measures that could verify each other's actions and lead to confidence building.



*Need for Transparency*

Transparency is vitally important for a variety of reasons. Scarcity of information about country's nuclear capabilities may foster doubts about the willingness of the country to engage in arms control. This is typically the case for the three de facto NWS, India, Pakistan and Israel, which remain outside the NPT. Conversely, the availability of information results in a well informed civil society, which, in turn, can support national strategies for both containing proliferation and reducing nuclear forces.<sup>27</sup> As is the case for other forms of arms control, disarmament and confidence building measures (CBMs), the main objection to transparency is that it adversely affects national security. It is always difficult to convince governments, scientists' community or the military establishments in particular that limited transparency can enhance national security, rather than weaken it. Indeed many experts acknowledge that these concerns are not without merit in the nuclear field.<sup>28</sup>

Arms control and eventual abolition of nuclear weapons can only be achieved within a stable and well functioning global non-proliferation regime.<sup>29</sup> The legitimacy of non-proliferation regime largely depends on the transparency measures adopted by member countries. If India and Pakistan need to be incorporated in the global non-proliferation regime, they would be required to agree to certain transparency measures needed to bridge the prevalent trust deficit between the two countries. The modalities of transparency and verification mechanism could be worked out at a bilateral level. There are instances in the past, where both sides did agree to several nuclear confidence building measures, such as an agreement on prevention of attack against nuclear installations and facilities signed on 31 December 1988 and entered into force in December 1990, with the result, that both sides regularly share information about each other's nuclear facilities at the start of every year. The second significant nuclear confidence building measure was the agreement on pre-notification of flight testing of ballistic missiles, signed on 3 October 2005, followed by another agreement on reducing risk from accidents, relating to nuclear weapons signed more recently between India and Pakistan.

If India and Pakistan agree to the RNR, the two sides could have a joint inspection and verification mechanism to ensure mutually agreed safeguards and verification mechanism on their declared civilian facilities and

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<sup>27</sup> Nicholas Zarimpas, ed., *Transparency in Nuclear Warheads and Materials: The Political and Technical Dimensions*, (New York: Oxford University Press, 2003), p.10.

<sup>28</sup> *Ibid.*, p. 37.

<sup>29</sup> *Ibid.*, p. 3.

practices, and there is no diversion of any nuclear technology or material from civilian to the military facilities.<sup>30</sup>

The transparency and verification measures can only be implemented successfully once both sides are confident of their deterrents against perceived threats. During the Cold War, in 1950s and 1960s, the former Soviet Union detested any transparency measures, fearing that it would reveal its inferiority vis-à-vis the US. However, once it reached strategic parity in 1970s, the US lost the ability to launch disarming first strike, consequently Soviet interest in maintaining a robust deterrent through non-transparency also decreased.<sup>31</sup> If military parity is the key to transparency, then both India and Pakistan do maintain requisite parity in terms of their nuclear capabilities. However, some analysts are sceptical about India's nuclear arsenal and command and control apparatus. According to them, "it is not yet clear, whether India has actually assembled a stockpile to match Pakistan's, as India seems to be pursuing the development of certain key elements in a very lackadaisical fashion. One of the most striking examples of this very relaxed pace of development is India's overall military command authority for its nuclear forces."<sup>32</sup> Not surprisingly, this apparent lack of seriousness has led some in India to doubt the credibility of India's ability to deter or effectively respond to a nuclear attack.<sup>33</sup> Unless India feels confident about its nuclear deterrent, it would be hard to convince its security managers for transparency measures vis-à-vis Pakistan, which could lead to bridging trust deficit.

Another impediment in transparency could be maintaining the credibility of nuclear deterrence. Since nuclear deterrence is intimately linked to the concept of a "nuclear threshold" and the precise level of this threshold must remain unknown in order not to diminish the deterrence effect, therefore, maintaining deterrence is inherently in conflict with many aspects of transparency. According to nuclear doctrines of all NWS and the de facto NWS, "vital national interests" must be threatened to use or threaten to use nuclear weapons.<sup>34</sup> Similarly, the quantification of "minimum deterrence" force structure could be another major obstacle. India claims to be developing "minimum nuclear deterrent" against China, whereas, this "minimum"

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<sup>30</sup> France and UK have a long experience of nuclear inspections of nearly all of their civilian nuclear facilities through the European Atomic Energy Community (Euratom) safeguards system. The UK and France have accepted safeguards as part of trilateral process involving IAEA and Euratom.

<sup>31</sup> Zarimpas, op. cit., p. 59.

<sup>32</sup> Gregory S. Jones, "What are the Requirements for Pakistan to Field an Effective 'Minimum Deterrent' Nuclear Force Against India?" Nonproliferation Policy Education Center, 10 July 2006, <http://www.npec-web.org/Essays/20060710-Jones-PakistanMinimumDeterrence.pdf>.

<sup>33</sup> Rahul Bedi, "India's Nuclear Struggles", *Janes Defense Weekly*, 5 February 2003, p.79.

<sup>34</sup> Zarimpas, op. cit., p. 119.

posture, once achieved may not remain “minimum” against Pakistan – quantitatively or qualitatively. If India acquires distinct nuclear military advantage over Pakistan, it could force the latter to keep its nuclear capabilities as ambiguous as possible in order to prevent their destruction in a disarming strike. For this reason, the greater the asymmetries in numbers of deployed nuclear weapons, the stronger will be the pressure to reduce the level of transparency.<sup>35</sup> Some other obstacles for implementing transparency measures could be: diverging security perceptions, lack of technological readiness and protections of classified information, reciprocity and multilateral engagement, bureaucracy, funding, etc.<sup>36</sup>

### **Conclusion**

The RNR is primarily an effort to integrate Pakistan and India into mainstream non-proliferation regime. By taking upon treaty obligations to prevent proliferation of nuclear weapons or nuclear related material, both countries, in fact, would become partners in the global non-proliferation efforts. Integration of these two de facto nuclear weapon states into international non-proliferation regime would make the regime comprehensive and strengthen the global efforts to limit the spread of nuclear weapons. Reciprocally, the international community will have to fulfil legitimate civil nuclear needs of both India and Pakistan. To expect that both or either of the two could agree to undertake treaty obligations upon itself without any reciprocity is not likely to bear any result.

The RNR, if agreed, could have an added advantage of confidence building between the two countries, which could have positive impact on the overall regional security environment. Transparency measures needed to implement the regime could possibly lessen the level of mistrust between the two South Asian nuclear rivals. It would also give confidence to the international community, and help universalisation of the non-proliferation regime.

Following the approval of India-US civil nuclear cooperation agreement, India might be reluctant to have a regional regime that could entail similar concessions for Pakistan, as are being offered to India. By doing so, India would only exacerbate regional nuclear arms competition as Pakistan would most likely do all it takes to neutralise India’s potential nuclear advantage. The RNR is not aimed at limiting the nuclear capability of India or Pakistan – rather is an effort to bring both in the ambit of a non-proliferation mechanism with a quid pro quo. Any obligations taken upon by the two NPT outsiders would also lessen proliferation concerns of the international community.

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<sup>35</sup> Ibid., pp. 69-70.

<sup>36</sup> Ibid., pp. 257-259.

Pakistan has taken effective measures to preclude any possibility of proliferation of nuclear technology from its territory. In this regard, it has established a comprehensive command and control mechanism, under its National Command Authority (NCA), and has promulgated stringent export control regulations. While these measures indicate Pakistan's resolve and responsible nuclear stewardship, on the contrary, there have been no such replications by the Indian side. Without any practical steps taken by India and under no legal obligations, there would always be a possibility of proliferation of sensitive technology by the state or non-state actors from India. A joint effort in the form of RNR, would not only strengthen legitimacy of India and Pakistan as NWS but would also facilitate their inclusion in the international nuclear community and make them eligible for peaceful nuclear trade.

If the international community is genuinely interested in preventing proliferation of nuclear technology, it has to first accept the de facto NWS as de jure NWS; secondly, bring them under treaty-bound obligations through innovative approaches without tampering with the NPT, in return for peaceful nuclear trade with the members of the NSG; and third, pursuit of peaceful nuclear technology, being inalienable right of all states, should be recognised and facilitated through a criteria based approach without making exceptions for a single country. ■

## MARITIME SECURITY INTERESTS OF PAKISTAN: A HISTORICAL PERSPECTIVE

Dr Noor ul Haq \*

### Introduction

It is He Who has made the sea subject, that you may eat hereof flesh that is fresh and tender, and that you may extract therefrom ornaments to wear; and you see the ships therein that plough the waves, that you may seek (thus) of the bounty of Allah and that you may be grateful.<sup>1</sup>

The bounties at sea require security. In order to ensure maritime security, a nation needs maritime power. What is meant by maritime power? Why is maritime security needed? What is the historical perspective of maritime activities and with what effect? What are the maritime interests of Pakistan? What are the possible threats to these interests? What are the feasible options for Pakistan to ensure security? Broadly speaking, maritime power means military, political, and economic capability to use the sea in order to secure one's national objectives. Nations having maritime power also have better maritime security as well as economic opportunities. Maritime security covers the activities involved in protecting maritime assets in the sea against any attack or intrusion by an outside power. The assets include ports, shipping, fisheries, energy, and other resources. Pakistan has a coast stretching 1046 kilometres or about 650 miles. The maritime resources lie in the Exclusive Economic Zone (EEZ)<sup>2</sup>, i.e., within 200 nautical miles from the baseline (coast), comprising an area of approximately 240,000 square kilometers.<sup>3</sup> The Continental Shelf<sup>4</sup> (which is within 350 nautical miles or up to the outer edge of continental margin), may have a number of resources, which need to be explored for extraction from the sea bed and sea water.

\* Research Fellow, Islamabad Policy Research Institute (IPRI).

<sup>1</sup> *Al Quran*, 16:14.

<sup>2</sup> Article 57 of Convention on the UN Law of the Sea reads "The exclusive economic zone shall not extend beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured".

<sup>3</sup> "National Maritime Policy of Pakistan", *The Gazette of Pakistan*, 30 November 2002, Part III, p. 8104.

<sup>4</sup> Article 76(6) of UN Law of the Sea reads "... the outer limit of the continental shelf shall not exceed 350 nautical miles from the baselines from which the breadth of the territorial sea is measured". Also refer to paragraph 6 of Annexure B to National Maritime Policy, *ibid*.

Additionally, research in earth sciences, bioscience, oceanography and remote sensing, may be pursued within EEZ.

The country also needs sea food for sustenance. For this purpose, the fishing activity needs to be mechanised and extended beyond territorial waters<sup>5</sup>, i.e., up to 100 nautical miles for deep sea fishing. Fishing and prawn industry provides food for domestic consumption and for export. Resources on land are supplemented by resources on sea to cater for the growing needs of an ever increasing population. Besides, beaches can attract tourists. In the past, unguarded coastline of Pakistan was misused by foreign intruders for fishing and smuggling purposes, thus causing huge loss to country's economy. Further, lack of maritime security provides ample opportunity to a hostile power to infiltrate their agents, arms, and ammunition for sabotage and terrorist activities. Therefore, maritime power is indispensable for security, commercial, and economic purposes.

### In Retrospect

Looking back into history, it is claimed that the first sea passage in human history was over the Indian Ocean and dates back to over 5000 years.<sup>6</sup> It is learnt that during 1<sup>st</sup> and 2<sup>nd</sup> centuries AD, especially under the reign of Kanishka I (78-101 AD) with his capital at Purushapura (now Peshawar, capital of NWFP, Pakistan), seagoing trade in the Indian Ocean was linked with the commerce of the Silk Road through the Indus Valley (now part of Pakistan).<sup>7</sup> There was, however, no concept of the command of the sea in the sense, we understand it today, but the vessels were often used in fighting also. Generally, the maritime activity was restricted to transport men and goods. At the same time, piracy at sea was a flourishing trade. It was in response to coastal piracy against commercial shipping from Arabia, and, in spite of a discouraging advice to Caliph Umar (634-644) against sea voyages,<sup>8</sup> the Syrian Arab General, Muhammad bin Qasim, in 712, brought his forces and war equipment, via land and sea, to invade and conquer Sindh (now southern

<sup>5</sup> The limit of territorial waters is 12 nautical miles beyond the land territory and internal waters of Pakistan measured from the baseline. The sovereignty of Pakistan extends to the territorial waters of Pakistan as well as to the air space over, and the bed and subsoil of such water. (Article 2 (1) and (2) of Territorial Waters and Maritime Zones Act, 1976).

<sup>6</sup> Michael Pearson, *The Indian Ocean* (London: Routledge, 2003), p. 3.

<sup>7</sup> [http://en.wikipedia.org/wiki/History\\_of\\_Pakistan](http://en.wikipedia.org/wiki/History_of_Pakistan); L. Mukherjee, *History of India (Hindu Period)*, 24<sup>th</sup> edition (Calcutta: Mondal Brothers, n.d.), pp. 151-152.

<sup>8</sup> "The sea is a boundless expanse, whereon great ships look tiny specks; naught but the heavens above and waters beneath; when calm, the sailor's heart is broken; when tempestuous, his senses reel. Trust it little, fear it much. Man at sea is an insect on a splinter, now engulfed, now scared to death." George F. Hourani, revised and expanded by John Carswell, *Arab Seafaring in the Indian Ocean in Ancient and Medieval Times* (Princeton, NJ: Princeton University Press, 1995), pp. 54-55.

Pakistan). Except for this, there is very little evidence of the use of force in the Arabian Sea and the Indian Ocean till 1498, when the Portuguese Vasco da Gama arrived in southwest coast of India.

From 15<sup>th</sup> century onwards, oceans were extensively dominated by Western Europe for geographical discoveries, commerce, and warfare. After the Ottoman's (1299-1919) domination in the Eastern Mediterranean and Eastern Europe, especially after their conquest of Constantinople (now Istanbul) in 1453, the trade route to the East was lost to the traders of western and southern Europe. This precipitated an economic crisis and made it necessary for them to respond to the challenge and look for an alternative trade route to the East. This gave a fillip to maritime activity in Europe, especially in Western Europe, during the 15<sup>th</sup> and 16<sup>th</sup> centuries. This resulted in the discovery of not only an alternative trade route to the East via the Cape of the Good Hope (now a southern Province of South Africa), but also in the discovery of "empty" continents of North and South America, Australia, and numerous islands in the Atlantic, Pacific, and Indian Ocean. Trade in spices, fabrics, precious stones, and curiosities of South Asia and the East further flourished.

The maritime expansion undertaken by the nations of Western Europe opened new vistas of power and prosperity for Europe. The geographical discoveries and commercial activities during the 16<sup>th</sup> century enriched the nations of Western Europe, enlarged their knowledge and broadened the scope of their ambitions from European politics to world affairs. In fact, the foundation of European imperialism was laid in this period and resulted in the colonisation of a major part of the world by European powers in the following 17<sup>th</sup> and 18<sup>th</sup> centuries. The consequent armed conflicts in the sea, led to the production of such works as Alfred Thayer Mahan's *The Influence of Sea Power upon History, 1660-1783*, wherein he said, "whoever controls the Indian Ocean dominates Asia".

The discovery of new lands and establishment of colonies created mutual rivalry and generated political hostility among European powers for colonies and for command over the sea-lanes during the 17<sup>th</sup> - 20<sup>th</sup> centuries. This rivalry and hostility caused several wars and culminated in World Wars I (1914-18) and II (1939-45). At the same time, the geographical discoveries and the rise of Europe corresponded with the decline of Asia. As for the South Asian Subcontinent, except for the ancient maritime activity, its rulers mainly focused inward and remained engaged in land warfare, while the subcontinent was being threatened from the sea.

As for European supremacy during 16<sup>th</sup>-18<sup>th</sup> centuries, the Portuguese were the pioneer in maritime activity and were the first to establish their colonies on southern coast of the subcontinent. Throughout the 16<sup>th</sup> century, they remained the master of the Eastern trade. The first Portuguese Viceroy of their colonies on western coast of India, Francesco d'Almeida (1505-1509),

advocated the Blue Water Policy in the Indian Ocean when he wrote to his home authorities, "Let all your forces be on the sea" because if they are powerful on the sea, they would be powerful on land. Spain, which followed the Portuguese in the Indian Ocean, was more interested in American continents and was fighting against British and Dutch. The powerful Spanish Armada, which had sailed against England in 1588, was destroyed during the Anglo-Spanish War (1585-1604). This resulted in the decline of Spanish interest in the east. Similarly, during 17<sup>th</sup> century, the Dutch had succeeded in establishing themselves in East Indies, but their efforts to enter India were frustrated when a Dutch naval expedition from Batavia/Jakarta was completely destroyed by the British.

The victory of England over the Spanish Armada (1588), greatly increased their maritime activities. In 1612, the English won a great naval victory over the Portuguese near Surat on the western coast of India. Sir Thomas Roe, the first Ambassador of England to the Mughal Court, after landing in India in 1615, advised his home authorities, "if you will profit seek it at the sea and in peaceful trade". This policy was successful, as it strengthened England both economically and militarily. Contrary to the policy of European nations, Mughal emperors of India erroneously believed: "Wars by sea are merchants' affair, and of no concern to the prestige of kings."<sup>9</sup> The rulers of the subcontinent, who had all along neglected the sea power, succumbed to the European forces, which came via the sea route. In fact, the fate of the world including South Asia was decided by the outcome of the struggle between European powers for naval supremacy. There was an intense competition amongst European nations for markets and raw materials. It was absolutely essential for them that there should be a safe and secure line of communication, so that timely assistance could be received. When two nations are at war in a distant land, the nation with superior naval force can easily cut off supplies of the enemy. Thus, without a powerful navy, the attempt of any European power to establish its control on the coast of any littoral state of Indian Ocean, or for that matter to establish their supremacy in the Subcontinent was bound to fail. Since the British and the French had succeeded in establishing their settlements on the Indian sea-coast, they were vulnerable to an attack from the sea and the naval power became all the more important. They fought three bitter wars in south east India during 1746-1763. The French Naval power around India was destroyed, and the fate of the French in India was completely sealed. The British supremacy (1757-1947) in the Subcontinent, lasted till the Indian armed forces recruited locally remained loyal to them. One of the factors which precipitated British decision to quit India was the realisation that the loyalty of the Indian armed forces to support the British rule in the subcontinent could no longer be ensured for a longer

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<sup>9</sup> Pearson, *op. cit.*, p. 115.



time as manifested in the mutinies of the Royal Indian Navy and other armed forces (February-May 1946).<sup>10</sup>

After the end of World War II, the Cold War between the United States of America and the Soviet Union commenced, each trying to gain access to, or retain its hold on the warm waters of the Gulf and the north Arabian Sea. The US, in its policy of containing the Soviet Union, needed Pakistan. If the USSR would have reached the warm waters through the territory of Pakistan, the maritime security of the US interests in the Indian Ocean, would have been threatened. During the 20<sup>th</sup> century, the maritime security in the Indian Ocean mainly revolved around the safety of the East-West trade routes and protection of strategic interests of colonial powers. After September 11, 2001 attack on the Twin Towers in the US, the dynamics of maritime security changed. The threats generally came from non-state actors and were related to terrorism, piracy, proliferation of weapons of mass destruction (WMD), drug and illegal human trafficking, and maritime pollution. The centre of gravity shifted from the Atlantic to the Indo-Pacific region and the emphasis on the security of sea-lanes in the Indian Ocean further increased. The United States and the European powers, therefore, deployed a sizeable naval force in the Pacific and the Indian Ocean. With the US deployment of forces in the Pacific and naval fleets in the Arabia Sea/Persian Gulf, the interests of China and India have moved from land to sea as well. Besides commercial merchandise, they need energy which comes through the sea-lanes. Japan, realising the bitter legacy of history in its past relations with Korea, China and Russia, is also developing its military muscle including its naval force to contribute to the security of sea-lanes from Sea of Japan up to the sources of energy in the Middle East.

Other global maritime powers are equally interested in maintaining security in the Indian Ocean. A multinational “Combined Task Force One Five Zero (CTF-150)”, with logistic facilities at Djibouti, and composed of Canada, France, Germany, Pakistan, United Kingdom and the United States, is presently deployed in the Arabian Sea to pursue the War on Terrorism. Other participating countries are: Australia, Italy, Netherlands, New Zealand, Portugal, Spain and Turkey. It incorporates vessels of the US Navy’s Fifth Fleet and operates under US Naval Forces Central Command in Bahrain. The command of the Task Force rotates between the participating navies, with commands usually lasting 4-6 months.<sup>11</sup> Pakistan Navy Ship “Babur” has conducted operations with “USS Sullivans” and French frigate “FS Surcouf”, in the Gulf of Oman as part of the Coalition Maritime Campaign Plan

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<sup>10</sup> For details see Noor ul Haq, *The Making of Pakistan: Military Perspective* (Islamabad: National Institute of Historical and Cultural Research, 1993), pp. 130-37.

<sup>11</sup> On 24 April 2006, Pakistani Rear Admiral Shahid Iqbal had taken over command of CTF-150, which lasted till 22 August 2006, <http://en.wikipedia.org/wiki/CTF-150>.

(CMCP). The CMCP is being executed under Commander CTF-150 in the US 5<sup>th</sup> fleet area of responsibility. It conducts maritime interception operations to deter, deny and disrupt the movement of terrorists and terrorist related materials. Additionally, it checks and interrupts the drugs, arms, and human trafficking in the region.<sup>12</sup> Pakistan, being an important regional country, considers itself responsible for contributing towards peace, safety and stability in the region. The security will, in turn, ensure uninterrupted economic activities in the region, which are mainly dependent upon the maritime sector. Perhaps, the inclusion of Pakistan and operational assignments to its officers is an acknowledgement of Pakistan's regional importance and its role in the war against terrorism.<sup>13</sup>

### *Indian Aspirations*

India is the largest power in the Indian Ocean. It is perceived by Pakistan and many of its smaller neighbours as an expansionist and hegemonic state.<sup>14</sup> With a view to establishing its supremacy over the Indian Ocean, India is seeking capabilities at sea which include:

Long-range air defence and anti-missile defence, airborne early warning, anti-submarine warfare, anti-ship and land attack missiles, trade-warfare, maritime reconnaissance, amphibious assault, Special Forces, and mine counter-measures. ... ship-borne logistics and support, which endow the fleet with long range and endurance, or a 'blue water' capability.<sup>15</sup>

Already, India has a sound warship-building base, and lately, there is an "unprecedented" naval construction plan for 35 vessels, which include "patrol boats, landing ships, hydrographic ships, corvettes, offshore patrol vessels, destroyers, frigates, submarines, and an aircraft carrier."<sup>16</sup> All this will ensure sea control and sea denial. This would, in turn, need information

<sup>12</sup> Story Number: NNS041129-02, 29 November 2004, "Pakistan Contributes to Coalition Maritime Campaign Plan", [http://www.news.navy.mil/search/display.asp?story\\_id=16091](http://www.news.navy.mil/search/display.asp?story_id=16091).

<sup>13</sup> Rashid Ahmad Khan and M Ahsan Afzal, "Maritime Security in the Indian Ocean: A Global Perspective" *The News* (Islamabad), 13 January 2007.

<sup>14</sup> The perception emerged owing to India's absorption of Junagadh (1947), Hyderabad (1948), Jammu and Kashmir (1947-48), Goa (1961), and Sikkim (1975) through military force. To cite a recent example, New Delhi's national security adviser, M. K. Narayan, while urging Sri Lanka not to buy weapons from China or Pakistan, told media reporters, on 31 May 2007 in Chennai (India), "We are a big power in the region. It is very clear. Whatever their requirements, they (Sri Lanka) should come to us. We will give what is necessary." *The News* (Islamabad), 2 June 2007.

<sup>15</sup> Admiral Arun Prakash, "A vision of India's Maritime Power in the 21<sup>st</sup> Century", *U.S.I. Journal*, Vol. CXXXVI, October-December 2006, p. 559.

<sup>16</sup> *Ibid.*, p. 60.

warfare, electronic warfare and availability of strong Indian Air Force.<sup>17</sup> An Indian Admiral has summed up his country's main objective:

The main objective of our [Indian] maritime strategy should be ... to ensure maritime surveillance and presence in areas of our interests with sufficient reach and staying power. The area of operations would at least cover the Arabian Sea and Bay of Bengal from the Strait of Hormuz and Red Sea in the west to the Malacca Strait in the east. Occasional forays into the Pacific Ocean, East Asian rim and South East Asia would be necessary. It would be regional in reach, proactive in scope and oceanic in outlook.<sup>18</sup>

Earlier, the first Prime Minister of India, Pundit Jawaharlal Nehru, had visualised:

The Pacific is likely to take the place of the Atlantic in the future as a nerve centre of the world. Though not directly a Pacific Power, India will inevitably exercise an important influence there. India will also develop as the centre of economic and political activity in the Indian Ocean area, in Southeast Asia and right up to the Middle East.<sup>19</sup>

The Indian interest beyond the Malacca Strait and its policy of "maritime containment of China", is indicated by the visit and exercises of Indian naval ships east of Singapore.<sup>20</sup> India's desire to build a blue-water navy indicates its ambition to dominate the sea-lanes from Red Sea, Strait of Hormuz to the Strait of Malacca, either individually or in collaboration with some other states.

Undoubtedly, India's location is central in the Indian Ocean. Its coastline is 7517 kilometres. However, irrespective of the size, the Indian Ocean is equally important to all littoral states, and to the landlocked hinterland countries. The legitimate interests of all littoral countries have to be ensured.

#### *Pakistan's Perceptions*

Pakistan may be one of the secondary security concerns for India, but India is the main and perhaps the only security concern for Pakistan. Although India is

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<sup>17</sup> Ibid., p. 61.

<sup>18</sup> Vice Admiral K.K. Nayyar and others, *National Security Military Aspects* (New Delhi: Rupa & Co., 2003), p. 185.

<sup>19</sup> Fasahat H. Syed, ed., *Regional Cooperation among Indian Ocean Countries* (Rawalpindi: Foundation for Research on International Environment, National Development and Security, 1999), pp. 17-18.

<sup>20</sup> Commodore Sam Bateman, "Regional and International Frameworks for Maritime Security Cooperation", [http://www.iips.org/Bateman\\_paper.pdf](http://www.iips.org/Bateman_paper.pdf).

the largest country in the Indian Ocean, Pakistan is an important regional power. Its coast extends from the mouth of Strait of Hormuz in the west to Sir Creek in the east, where dispute with India is in the process of being settled. Pakistan is a natural sentinel of the trade route passing through the Strait of Hormuz in the North Arabian Sea. The energy requirement of South Asia and East Asia has increased due to their economic growth. The energy resources are located in the Persian Gulf and have to pass through Strait of Hormuz. Whereas some other choke points, such as the Strait of Malacca and the Suez Canal can be circumvented via the coast of Australia and Africa respectively, the Strait of Hormuz could not. Thus, Pakistan has an important strategic location astride the sea route from the Gulf. Besides, Pakistan provides the shortest land route from the Arabian Sea to Afghanistan, Central Asian States, and western China, and vice versa.

The founder of Pakistan, Quaid-i-Azam Muhammad Ali Jinnah, while addressing Naval Establishment “Dilawar”, on 23 January 1948, said that Karachi (the seaport on the coast of Pakistan) “besides being the port of call of ships of other nations, is also on the air route from the West to the East. People from all over the globe pass through Karachi and the eyes of the world are on you.” He was conscious of maritime weakness and said “Pakistan is still in its infancy and so is its Navy and other branches of the armed forces”. He recommended that “the best way in which we can serve the cause of peace is by removing the temptation from the path of those who think we are weak, and therefore, they can bully and attack us.”<sup>21</sup> In the past, Pakistan did not have a naval force powerful enough to ensure the defence of its sea-lanes. Pakistan relied on land forces, long range artillery and air force to safeguard its ports and coast. During the Indo-Pak War 1971, owing to the deficiency in sea power, the Indian Navy had effectively blockaded the Karachi port, till then Pakistan’s only sea outlet to the outside world. The supremacy of a hostile country at sea could, therefore, turn Pakistan into a landlocked country. This emphasises the indispensable need for a strong naval force to meet any threat to its sea-lanes.

Whereas there is no specific and elaborate maritime security policy in Pakistan, the National Maritime Policy of Pakistan (2002),<sup>22</sup> lays down guidelines on the development, management and protection of ocean resources. It requires, among other things, protection of Pakistan’s strategic maritime interests, research in maritime science technology, development and utilisation of all sea resources, and coordination with other countries. Pakistan should be able to keep the sea lines of communication free from interference, piracy, illegal regulatory controls of foreign governments and to accord safe

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<sup>21</sup> *Quaid-i-Azam Mahomed Ali Jinnah Speeches as Governor-General of Pakistan 1947-48* (Karachi: Pakistan Publications, n.d.), pp. 46-47.

<sup>22</sup> *The Gazette of Pakistan*, 30 November 2002, pp. 8103-8121.

access to the national ports and waterways. The writ over natural resources of the water column, seabed and the sub-soil thereof is to be ensured. Pakistan, as an important littoral state, has a national and regional security interest in retaining its ability to ensure freedom of navigation and protection of maritime frontiers and economic interests through a credible Naval and Para Military Force.<sup>23</sup> Besides, Pakistan has to cooperate with the Enterprise of the International Sea-bed Authority<sup>24</sup> for ensuring Pakistan's participation in the exploration of sea-bed areas, falling outside the zones of national jurisdiction.

To ensure maritime security, the hegemonic threats to the Indian Ocean littoral states from regional and extra-regional powers, have also to be considered. Indian Ocean has 37 littoral states,<sup>25</sup> besides 24 ocean territories<sup>26</sup> and 17 landlocked hinterland states<sup>27</sup>. Although there is little evidence that, in the past, Indian Ocean rim states have ever demonstrated maritime unity, but commonality of interests may induce them to do so. Already, there is the presence of United States, and, to an extent, of Russia, China, and other nations in the Indian Ocean. The littoral states should not fragment themselves and should have a uniform maritime policy arrived at through a consensus.

Regional cooperation would ensure peace, security and regional development. Since regional cooperation is lacking, most of the Indian Ocean rim countries are lagging behind in development, as compared to other regions like Association of East Asian Nations (ASEAN), European Union (EU) or North American Free Trade Area (NAFTA). If a country, or a group of countries, takes exclusive interest in its national security in preference to, or at the cost of, regional security, it may retard regional cooperation and progress.

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<sup>23</sup> Ibid., p. 8108.

<sup>24</sup> Ibid., p. 8109. International Sea-bed Authority is authorized to conduct its own mining operations through an organ called the Enterprise. The resources are managed as a common heritage of mankind.

<sup>25</sup> Indian Ocean region comprises of 38 littoral states: Australia, Bahrain, Bangladesh, Comoros, Djibouti, Egypt, Ethiopia, Eritrea, India, Indonesia, Iran, Iraq, Israel, Jordan, Kenya, Kuwait, Madagascar, Malaysia, Maldives, Mauritius, Mozambique, Myanmar, New Zealand, Oman, Pakistan, Qatar, Saudi Arabia, Seychelles, Singapore, Somalia, Sri Lanka, Sudan, South Africa, Tanzania, Thailand, United Arab Emirates, and Yemen. Fasahat H. Syed, ed., *Regional Cooperation Among Indian Ocean Countries* (Rawalpindi: A Friends Publication, 1999), p. 261.

<sup>26</sup> Australia's Christmas Isle, Cocos Isles, Heard Isle; France's Amsterdam Isle, Basas da India, Crozet Isles, De l'Euopa, Kerguelen Isles, Mayotte, Reunion, St. Paul, Tromelin; India's Andaman, Lakshadweep, Nicobar Isles; Oman's Kuria Muria Isles; South Africa's Maron Isle, Prince Edward Isles; Tanzania's Zanzibar Isles, Pemba Isle; UK's Chagos Archipelago, Macquarie, Mahe Isles; Yemen's Socotra. Syed, op. cit., p. 263.

<sup>27</sup> Afghanistan, Bhutan, Botswana, Burundi, Kazakhstan, Kyrgyzstan, Lesotho, Malawi, Nepal, Rwanda, Swaziland, Tajikistan, Turkmenistan, Uganda, Uzbekistan, Zambia, Zimbabwe. Syed, op. cit., 265.

If non-discriminatory and broad-based regional cooperation is not achieved, extra-regional powers are likely to benefit. Regional cooperation and assistance will help in ensuring security and advancing economic development.

Already, Thailand, Indonesia, Malaysia and Singapore are building “high-tech navies with missiles, subsurface and amphibious capabilities.”<sup>28</sup> Philippines, Myanmar, Bangladesh and Sri Lanka have comparatively smaller navies but they are conscious of the need for improvement. For the security of Malacca Strait, Indonesia, Malaysia along with Singapore, have agreed to institute some form of joint patrolling of the Strait, which is an economic lifeline for the three littoral states, but they have declined help from the US, except for “intelligence sharing, training and equipment”.<sup>29</sup> If there is a regional unity among all littoral states in the Indian Ocean, they may eventually control high seas and exercise a check on the hegemonic claims and designs, if any, of a regional or extra regional power.

Presently, there is an organisation named Indian Ocean Rim Countries - Association for Regional Cooperation (IOR-ARC) that was formed in 1997 to promote economic cooperation between member states. By 1999, it had 19 members.<sup>30</sup> However, several important littoral states, such as Pakistan, are not there. Since a consensus is obligatory for adding to its members, India has restricted the admission of Pakistan on the ground that it had discriminatory trade policies. It is desirable that all littoral states as well as all the landlocked hinterland countries of the Indian Ocean be eligible for membership on voluntary basis. As for Pakistan, its membership is not only in its own interest but is also helpful to the adjacent landlocked countries, such as Afghanistan, and Central Asian States, i.e., Tajikistan, Turkmenistan, Kazakhstan, Kyrgyzstan, and Uzbekistan. It may be mentioned that these landlocked countries are a vital bridge for transportation and communication between Europe and Asia. They also have vast reserves of energy and minerals, which may be of interest to Indian Ocean littoral states, whose product can, in turn, be marketed in Central Asia. Presently, IOR-ARC is not an effective organisation. Besides adding all littoral countries as its members, it should revise its charter to include security aspect and adopt proactive policies. The

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<sup>28</sup> It is reported that “Thailand has acquired an aircraft carrier and Knox frigates from United States and Jianghu Class frigates from China” and Indonesia plans to have a 120 ships navy, 25 frigates, subsurface and amphibious capabilities. See Vice Admiral K.K. Nayyar, op. cit., p.183.

<sup>29</sup> Mushahid Ali and Jeffrey Chen, “Maritime Security Cooperation in the Malacca Straits: Prospects and Limits”, IDSS [Institute of Defence and Strategic Studies, Singapore], *Commentaries*, 23/2004.

<sup>30</sup> ‘Australia, India, Indonesia, Kenya, Madagascar, Malaysia, Mauritius, Mozambique, Oman, Singapore, South Africa, Sri Lanka, Tanzania, Yemen, Bangladesh, Iran, Seychelles, Thailand and the United Arab Emirates. ... Dialogue partners included Egypt, the United Kingdom, Japan and China. Pearson, op. cit., p. 286.

broad based membership of the organisation will lessen the possibility of hegemony by any country or a restricted group of countries.

In addition, it is satisfying that Pakistan is also associating itself with other non-military regional organisations for mutual cooperation. For instance, Pakistan is one of the founder members of the Organisation for Indian Ocean Marine Affairs Cooperation (IOMAC). The membership of the Organisation is open to all coastal and hinterland states of the Indian Ocean with the main objective “to create an awareness regarding the Indian Ocean, its resources and potential for the development of the states of the region”.<sup>31</sup> Pakistan is participating in the ASEAN Regional Forum (ARF). ARF fosters dialogue and consultation, and promotes confidence-building and preventive diplomacy in the region.<sup>32</sup> Pakistan-Japan Security Dialogue is also continuing and both countries are making joint efforts to combat terrorism.<sup>33</sup> Recently, the Japanese Maritime Self-Defence Force provided fuel oil and fresh water to Pakistani naval ships participating in Operation Enduring Freedom – Maritime Interdiction Operation (OEF-MIO). Pakistan should participate in joint naval exercises of both regional and extra regional countries in the Indian Ocean. These will contribute towards strengthening Pakistan’s maritime security.

The credible maritime security guarantees the survival of a state as a sovereign country by ensuring the security of own coast, installations, continental shelf, and shipping. In addition, it enables exploitation, utilisation and conservation of country’s maritime resources, without outside interference, as well as denial of high seas to the hostile forces. About 90 percent of Pakistan’s trade comes via the sea route. This trade is crucial for Pakistan’s economy and sustenance. Pakistan has to pursue economic activities at sea and safeguard its maritime interests. Pakistan’s role as a frontline state in the international war on terror, devolves on it the responsibility to meet any threat to regional maritime security. Moreover, Pakistan’s stakes in the security and stability of the Persian Gulf and the Indian Ocean, are high for its own security, trade and well being.

## Conclusion and Recommendations

From 18<sup>th</sup> century onwards, the European nations, which became powerful at sea, colonised most of the world. Of them, the Great Britain, mainly owing to its naval superiority over other European powers, established its supremacy in

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<sup>31</sup> The IOMAC was established in 1999 with Indonesia, Kenya, Mozambique, Nepal, Pakistan, Tanzania, and Sri Lanka as its members. Syed, op. cit., pp. 275-90.

<sup>32</sup> The ARF met for the first time in 1994. Currently, it consists of 26 participants: ASEAN member countries and Australia, Bangladesh, Canada, China, East Timor, European Union, India, Japan, Korea, Mongolia, New Zealand, North Korea, Pakistan, Papua New Guinea, Russia, South Korea, and United States, [http://en.wikipedia.org/wiki/ASEAN\\_Regional\\_Forum](http://en.wikipedia.org/wiki/ASEAN_Regional_Forum).

<sup>33</sup> *Dawn* (Karachi), 2 May 2007; *The News* (Islamabad), 4 May 2007.

South Asian Subcontinent. After World War II (1939-45), the British decision to withdraw from the subcontinent, among other factors, was partly influenced by the revolt of the Royal Indian Navy in 1946.<sup>34</sup> Consequently, Pakistan emerged as an independent nation in a strategic location. As an important regional player, it is imperative for Pakistan to cater for national and regional maritime interests and have a comprehensive maritime security policy, maritime awareness, knowledge, coastal industries, ports, and modern naval, merchant and fishing fleets and indigenous capability to develop them. Since the economic development of a state mostly depends on its trade, industry and energy supply and since the trade and energy supply is mainly seaborne, the sea lines of communication are the lifelines of these countries. Pakistan, therefore, needs to be forward-looking in its vision with a view to keeping its sea-lanes clear of any possible threat from terrorism or from any power with imperialistic or hegemonic designs, and should pursue a proactive maritime security policy to meet any eventuality. In order to have a credible maritime security in the region, and to be able to play its role as an important regional player, Pakistan should have a three-pronged strategy: the development and security of own ocean resources, industries, and sea-lanes; achieving synergy amongst navies of all littoral states of the Indian Ocean; and coordination with the industrially advanced and developed maritime powers of the world.

Prime Minister of Pakistan, Shaukat Aziz, speaking at a briefing of Pakistan Navy's war-games at PNS Jauhar in Karachi on 7 March 2005, he said, "Pakistan will not allow domination of the Indian Ocean by any country."<sup>35</sup> Later, while addressing Sichuan University in China on 20 April 2007, he expressed that "Pakistan wishes to play a constructive role in security in the Indian Ocean region."<sup>36</sup> To ensure it, following steps may be required.

#### *Awareness*

First of all, there is a requirement of general awareness about the importance of maritime security for the country and the region. It needs to be realised that "security is just like oxygen, when you have it you don't think about it, but when you don't have it you think of nothing else."<sup>37</sup> Since economic development mostly depends on trade, industry and energy supply, which is mostly seaborne, the security of sea-lanes is indispensable. The people of Pakistan should be made aware by educating them through media, educational institutions, and holding national and international seminars on the subject.

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<sup>34</sup> For details see Noor ul Haq, op. cit., pp. 130-137.

<sup>35</sup> *Pakistan Times* online, 9 March 2005, <http://pakistanimes.net/2005/03/09/editorial.htm>.

<sup>36</sup> <http://www.pakmission-uk.pk/News/NewsItem185.asp>

<sup>37</sup> David Griffiths, "Marine Disaster Management", First International Maritime Conference, held on 4-6 March 2007, at Baharia University, Karachi.



Already, the establishment of National Center of Maritime Policy Research (NCMPR), Baharia University, is a step in the right direction.

#### *Maritime Security Policy*

To ensure national and regional maritime security interests, national maritime security policy is necessary, which does not exist at present. However, there is a brief and generalised chapter on “Sovereignty and Protection of Maritime Interests” in the National Maritime Policy of Pakistan.<sup>38</sup> There is, therefore, an urgent need to study and examine the security aspect in greater and specific details and a separate comprehensive maritime security policy is framed, encompassing both national and regional security requirements. The proposed policy may include some of the aspects given in succeeding paragraphs. In addition, it should be kept in mind that the location of Pakistan on the main sea trade route in close proximity to the Persian Gulf, and providing shortest land route between Arabian Sea and Central Asia, devolves on it greater responsibility to think in broader perspective regionally and globally. Pakistan should, therefore, have a well thought out and proactive maritime security policy and keep on reviewing it with a view to meeting any eventuality in an ever changing environment.

#### *Strong Naval Force*

As an important regional player, Pakistan has to update its naval force on a regular basis that should be commensurate with its strategic location to ensure security and safety to the sea-lanes passing through its coast. With a view to deterring a military threat, Pakistan should not only be able to defend its coast but also deter any power which may intend to interfere in the flow of energy and merchandise trade. Pakistan should also be able to exercise its effective control over its continental shelf, besides cooperating with friendly forces in the ocean.

#### *Sea Ports*

Through a phased programme, and following the model of Gwadar, Pakistan should develop more sea ports, such as Somiani, Ormara, Pasni and Jiwani.

#### *Maritime Defence Industry*

Pakistan should patronise and develop state-of-the-art maritime industries to meet its defence needs. For instance, there is a need for building submarines, patrol boats, corvettes, warships, frigates, destroyers and at some stage aircraft carriers.

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<sup>38</sup> *Gazette of Pakistan*, 30 November 2002, pp. 8108-8109.

*Maritime Resources*

Since security requires a strong economy, enormous maritime resources need to be explored and exploited. Shipping and sea food industries for commercial purposes are needed. Besides naval fleets, merchant and fishing fleets will be required, with an indigenous capability to manufacture, maintain and develop them.

*Broad-based Regional Cooperation*

Since no country alone, in a globalised world, can ensure security of the region, there is a need for regional cooperation among all littoral states of the Indian Ocean. If all these states have a naval force commensurate with their resources/requirement, and have regional cooperation and unity, their combined resources and efforts will eventually be able to muster sufficient strength to frustrate hegemonic designs of any country.

*Coordination with Maritime Powers*

Besides regional cooperation and unity, the global maritime powers could not be ignored. There should be both regional and extra-regional cooperation and coordination amongst navies. Currently, there is an upsurge in naval spending for modernisation mainly to meet potential threats from hostile powers.<sup>39</sup> Rapid advances in technology soon make the equipment obsolete, and to update the fighting machine is a costly affair. It necessarily requires assistance from the industrially advanced maritime powers, which should be obtained without, in any way, jeopardising national or regional interest. ■

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<sup>39</sup> Malcolm R. Davis, "Back on Course", *Jane's Defence Weekly*, Vol. 35, No. 4, 24 January 2001, pp. 22-27, cited in Sam Bateman, op. cit.

## EAST ASIA SUMMIT AND PAKISTAN'S QUEST FOR NEW REGIONALISM

Dr Ahmad Rashid Malik \*

### Introduction

Commencing in 1951, over the years, East Asia has been flooded with regional organisations. These included: The Colombo Plan of 1951, Association of the South East Asian Nations (ASEAN), formed in 1967, and the Asia-Pacific Economic Cooperation (APEC), created in 1980. The beginning of present century witnessed the growth of the Shanghai Cooperation Organization (SCO), which was framed in 2001, and the Asian Cooperation Dialogue (ACD) that came into being in 2002. The most recent regional set up came in the form of the East Asian Summit (EAS) on 14 December 2005. It is believed that EAS would become one of the most dynamic organisations in East Asia and probably it would overrun and outcast all other regional organisations, formed in East Asia over the past several decades, with different or overlapping objectives. The purpose of this paper is to make a critical analysis of EAS, so as to see how it differed from other regional organisations, and to find out as to why it could not come into being during and even after the Cold War, and also to see how the post-terrorism period from 11 September 2001 onward created room for EAS formation with some 'ideological' modifications. To understand the philosophy and objectives behind the formation of EAS, it is essential to make a critical study of the former Malaysian Prime Minister Dr Mahatir Mohamad's idea of East Asian Caucus. Emphasis would also be laid on the first EAS groundbreaking Kuala Lumpur meeting of 2005 and the second Cebu (Philippines) Summit of 2007. Problems related to Pakistan's desire of seeking EAS membership would also be discussed. Options for policy makers to tackle the issue of Pakistan's membership in the EAS would also be outlined. Finally, a concluding outcome would be made to see EAS implications for East and South Asia, and Oceania in the larger Asian context.

### Mahatir's East Asia Caucus

The origin of the EAS should be traced back to Mahatir's idea of framing an East Asia Caucus that was proposed in 1991 with much criticism that

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\* Research Fellow, Islamabad Policy Research Institute (IPRI).

stemmed from the United States, Australia, and other Western countries. Many assumed that East Asia Caucus appeared to be a second step after Japan's doctrine of the Greater East Asia Co-Prosperity Sphere (*Dai Toa Kyoikukan*) launched in the 1930s. The doctrine was intended to create a Pan-Asian identity, free of White-man's domination. Unfortunately, Japan's war with Western powers in several parts in East and South Asia, Oceania, and the Pacific, and Japan's military conquest of several of Asian countries until the end of World War II, could not materialise the concept of the Greater East Asia Co-Prosperity Sphere. Japan's ultimate defeat buried the very concept of the Greater East Asia Co-Prosperity Sphere. During the last decade of the Cold War together with the rise of East Asian economies such as Japan, and Tigers economies that included South Korea, Taiwan, Hong Kong, Malaysia, and Singapore, the feeling for an all encompassing East Asian bloc further gained momentum. Mahatir in this whole debate became an ardent supporter of the East Asia Caucus. Institutionally speaking, his doctrine contained three basic elements: (1) Creation of an East Asian Monetary Fund (EAMF), (2) Creation of an Asian Currency bloc; & (3) Formation of an East Asia Community (EAC).

East Asian countries, particularly China (in addition to Hong Kong and Macao), Japan, Taiwan, Singapore, and South Korea pile huge foreign currency reserves. Most of these reserves are held in US dollar dominated assets. Economists say that reserves show a country's achievement in foreign trade, but at the same time, they fear that huge piling of reserves creates harm. Many argue that most of Asian reserves have been locked up in the United States and Europe in the form of treasury bonds, thus helping to plug the huge deficit and indirectly pay for their defence expenditures. The comeback of IMF, after the Asian financial crisis of 1997, was yet another clear example to show as to how the West kept indulged in Asian financial systems and monitored and safeguarded the interests of Western conglomerates and their institutions. Therefore, Mahatir rightly talked about the creation of an East Asian Monetary Fund, while making a speech at the Asia Society, Hong Kong, on 28 October 2000.<sup>1</sup> "Dangling the loan carrot and brandishing the big stick, the IMF, backed by the power of the powerful, demanded the dismantling of everything that had contributed to the amazing development of the East Asian tigers and dragons", he maintained. Mahatir strongly criticised the way Asian business ethics were moulded, government reforms policies were adopted, and doors were open to the West to exploit the advantages of full participation in local Asian businesses.

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<sup>1</sup> See "Agenda for a New Asia", address by Malaysian Prime Minister Dr Mahatir Mohamad at the "Asia Society" Hong Kong, 28 October 2000, Hong Kong, <http://www.aseansec.org/2805.htm> - accessed on 27 February 2007.

East Asia has huge reserves of US\$ 2.4 trillion including Japan's US\$ 470 billion and China's US\$ 300 billion, the world's top two foreign reserves today. A strong political will is needed from within East Asia to create these above institutional arrangements. Intimate relationship of several of East Asian countries with the United States is a stumbling bloc in creating such institutional arrangements. East Asian leaders sympathised the creation of the Caucus in order to collectively voice for East Asian causes such as common say in international trade negotiations and a counterweight to America's unipolar hegemony.<sup>2</sup> Consequently, the East Asian economic contagion of 1997, geared up the idea of framing an Asian financial and economic bloc and other essential institutional and structural measures that were supported by ASEAN and ASEAN Plus Three (Japan, South Korea, and China). Moreover, the upcoming rise of Asian countries would be another decisive factor in realising the ideals of East Asian financial bloc.

### **The Formation of EAS**

The idea of EAS further gained strength at various ASEAN Summits and meetings and similar regional fora. At the 10th ASEAN Summit that was held at the Laos capital of Vientiane in November 2005, Malaysian Prime Minister Abdullah Ahmad Badawi announced that an East Asia Summit would be convened in 2005 at Kuala Lumpur. The long cherished Mahatir's dream of East Asia Caucus became a reality in the shape of EAS on 14 December 2005 when the first EAS meeting took place at Kuala Lumpur. The increasing importance of ASEAN during the past two decades eventually put it in the driving seat of EAS. It was the culmination of a process that began in December 1997 when the whole of East Asia was enmeshed in a financial crisis. Many believed that the 'tricky' game was being played by Western investors and the International Financial Institutions (IFIs) such as the International Monetary Fund (IMF) and World Bank. On the top, the enlargement of the ASEAN in the shape of ASEAN Plus Three accelerated the process of EAS. As Mahatir was receptive of both Japan and China and also as viewed by other East Asians as their spokesman, his idea to frame an EAS became a reality.

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<sup>2</sup> Richard Stubbs, "Asian Plus Three: Emerging East Asian Regionalism", *Asian Survey*, Vol. 42, No. 3 (2002), pp. 440-55.

### The Membership Structure of the East Asia Summit (EAS) Up To 2007

Members	Plus Three	Additional Members	Observers	Future Members	Future Observers
ASEAN: Brunei Cambodia Indonesia Laos Malaysia Myanmar Philippines Singapore Thailand Vietnam	ASEAN <i>Plus Three:</i> Japan South Korea China	India Australia New Zealand	Russia	Pakistan Papua New Guinea Mongolia	European Union

### The First EAS Summit

Initially, ten ASEAN members, ASEAN Plus Three, India, Australia, and New Zealand, participated at the Kuala Lumpur Inaugural Summit held on 14 December 2005. The EAS Kuala Lumpur Declaration defined the EAS as “an open, inclusive, transparent, and outward-looking forum” to discuss a variety of issues related to East Asia and the world at large. It was planned that the EAS would meet regularly back-to-back to annual ASEAN Summit, which would be hosted and chaired by an ASEAN member country. The Summit ended with an agreement to hold annual Summits with trade and security as the main themes of the Summits in addition to promoting political dialogues, discussing strategic issues, and accelerating economic cooperation with “the aim of promoting peace, stability and economic prosperity in East Asia”, as stipulated in the Kuala Lumpur Declaration. It strongly recognised “the need to support efforts to build a strong ASEAN Community” which would serve as a foundation for common peace and prosperity in the region. The Declaration focused on the following three main points:

- I. Fostering strategic dialogue and promoting cooperation in political and security issues to ensure that our countries can live at peace with one another and with the world at large in a just, democratic, and harmonious environment;
- II. Promoting development, financial stability, energy security, economic integration and growth, eradicating poverty and narrowing the development gap in East Asia, through technology transfer and infrastructure development, capacity building, good governance and humanitarian assistance and promoting financial links, trade and investment expansion and liberalization; and;
- III. Promoting deeper cultural understanding, people-to-people contact and enhanced cooperation in uplifting the lives and well-being of our peoples in order to foster mutual trust and

solidarity as well as promoting fields such as environmental protection, prevention of infectious diseases and natural disaster mitigation.<sup>3</sup>

Although the Summit included two White and European origin countries namely, Australia and New Zealand, apparently at Japanese initiative, somewhat inapt to the notion of Pan-Asianism, it made no decision concerning Russian demand, another “White” country, to become a member from the very onset like Australia and New Zealand. The main reason for such denial could be based on the principle that Russia did not attain any formal association with ASEAN as an Observer or as a Full Dialogue Partner of ASEAN. Badawi, however, mentioned that decision with regard to Russian membership would be taken at the next Summit. The inclusion of Australia and New Zealand was strongly opposed by Mahatir. Criticising the participation of Australia, he said that “Australia is basically European and it has made clear to the rest of the world that it is the deputy sheriff for America”. In his opinion, “Therefore, Australia’s views would represent not the East, but the views representing the stand of America”. Mahatir seemed extremely unhappy about the way EAS came into being. “We are not going to have an East Asian Summit. We are going to have an East Asia-Australasia Summit”, Mahatir said. He further added that the inclusion of Australia and New Zealand into the fold had subverted the development of a genuinely Asian forum.<sup>4</sup> From Japan to Indonesia, Asian business practices had been quite different from that of the West. Australia and New Zealand would be Western guardians checking such issues in the EAS region, some sort of indulgence in Asian affairs stopping them to go in their own way.<sup>5</sup>

Mutual controversies and contentious issues can be discussed at EAS. For instance, the Kuala Lumpur Summit provided a good opportunity to both Japan and China to overcome their political controversies renewed for quite some time over Japanese schools history textbooks and the tributes paid by Japanese leaders to Yasukuni Shrine in Tokyo. Both Chinese Premier Wen Jiabao and Japanese Prime Minister Junichiro Koizumi attended the Summit at Kuala Lumpur. In the wake of Sino-Japanese controversy, the Summit became a useful platform at least for both countries leaders to see each other and lower down the tempo of controversy. Both China and Japan are wise enough not to enmesh into new controversy in the region. Such a platform was urgently required for East Asia and EAS emerged as a source of linkage between these countries to repair ties, mend fences, and to become an anchor for their patchwork in the future. ASEAN’s institutional framework of reconciliation should be emulated by North East Asian partners such as Japan,

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<sup>3</sup> The Kuala Lumpur Declaration. See <http://www.aseansec.org/18098.htm>.

<sup>4</sup> *Malaysia Today* (Kuala Lumpur), 8 December 2005.

<sup>5</sup> See this view in Dr Mahatir’s address to Asia Society, op. cit.

China, South Korea, (all ASEAN Dialogue Partners), and Russia to create the environment for tension diffusion, peace and tranquillity.

The Kuala Lumpur Summit, therefore, emerged as a milestone in EAS formulation. The historical foundations that were laid down at Kuala Lumpur initiated the process for the formation of an economic and political alliance in East Asia that might become bigger than those of North America and Europe. EAS might achieve this goal as four of world largest economies (Japan, China, India, and Malaysia) by 2015 fall within the EAS fold. The presence of Japan, China, and India at EAS, and the absence of the United States for the first time in a crucial regional set up, could be a significant paradigm shift in East Asia after 1945 particularly at a time when the United States is tied up with situation in Afghanistan and Iraq. In a way, EAS poses a diplomatic challenge to US, the traditional hegemonic power in the region. Some believed that the United States could fill the vacuum because Australia, New Zealand, Japan, and South Korea were included in the EAS and in return they could support US policies. The inclusion of Russia as Observer along with Vladimir Putin's presence at the Summit heralded another signal by affixing a seal to the end of the Cold War by East Asian leaders. So far only Russia was given the Observer status at the EAS. This must be translated as major diplomatic achievement of Russia in East Asia after the end of the Cold War. EAS has also given the impression that ideological affiliations such as the Chinese Communism, free trade, and comprehensive security can co-exist side by side – a concept hitherto remained alien to the Cold War considerations.<sup>6</sup>

### **The Second EAS Summit**

The second EAS was convened at Cebu, Philippines, on 15 January 2007, back-to-back with the 12th ASEAN Summit. The Summit was originally scheduled on 13 December 2006 at Cebu, but was postponed by the host country in the face of typhoon. Energy and trade have emerged as challenging areas for regional cooperation amongst EAS members during the Cebu Summit. Realising the importance of energy security, EAS members have signed an energy pact. Japan, China, and South Korea are devising mechanisms for energy supply and reducing dependency on oil. Therefore, the Summit made a historical declaration on energy cooperation among its members. The Cebu Declaration called for reducing dependence on oil and fossil fuel in the context of surging global prices and seeks to intensify quest for new and renewable energy resources and technologies with the focus on civil nuclear power and bio-fuels including the ASEAN power grid and Trans-

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<sup>6</sup> Some of these views were taken from Barry Desker's paper entitled "Why the East Asian Summit Matters" delivered at a *Conference on the Regional Security Architecture in Asia* held in Washington, DC on 14 December 2005.

<http://groups.google.com.au/group/soc.culture.cambodia/>.



ASEAN Gas Pipeline.<sup>7</sup> At the second EAS summit, India tried to muster support for the Nuclear Suppliers Group (NSG), of which China and Japan are key members. EAS provided just an ample opportunity to India to win such support.

Japan has forwarded a proposal for a regional Free Trade Agreement (FTA) amongst EAS members. The proposed free-trade area will have a combined population of 3.1 billion people, nearly half of the world's population, and a combined gross domestic product of almost 10 trillion dollars. FTA would enable East Asian countries to maintain their competitiveness, to ensure stability, and to continuously create prosperity in East Asia, as visualised by Haruhiko Kuroda, President of the Asian Development Bank (ADB) at the Summit. Leaders agreed to look into ways for furthering economic integration in the region, including the possibility of a track-two study on a comprehensive economic partnership agreement amongst its members.

As mentioned above, the first EAS Summit proved to be a melting point to downplay the Sino-Japanese controversy, the Cebu Summit made another inroad. The Summit provided opportunity to member countries to advance their causes and mend their fences. Moreover, the Summit provided an ample opportunity to India to muster its support for civilian nuclear energy cooperation, on the one hand, and provided a chance to Japan and China to remove irritant in their relations, on the other. Chinese Premier Wen Jiabao, therefore, undertook his first visit to Japan in April 2007, which was also a first visit by a Chinese leader to Japan in six years. The last Chinese leader to visit Japan was the then Premier Zhu Rongji in October 2000. South Korea also made its voices at the Summit. Australia and New Zealand also extended all possible help to EAS members.

In this sense, EAS has become somewhat “beyond East Asia” and fully integrated the region from North East Asia to down Oceania and South Asia.<sup>8</sup> This made it truly a Pan-Asian, open, and an outward-looking forum that would ultimately help harmonise the whole of Asia to create an East Asian Community (EAC) in the future – an idea that Mahatir put forward in the early 1990s. It seems that this idea is now moving, albeit with changes. The creation of the East Asian Monetary Fund (EAMF) and an East Asian currency bloc could be challenging areas for EAS deliberation and these ideas could gain momentum in the future.

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<sup>7</sup> The Cebu Declaration. See <http://www.12thaseansummit.org>.

<sup>8</sup> See also Dr Ahmad Rashid Malik, “East Asia Summit”, *The Nation* (Islamabad), 22 January 2007.

**East Asia Summits 2005-2007**

No	Summits	Date
1	Kuala Lumpur	14 December 2005
2	Cebu	15 January 2007
3	Singapore (Forthcoming)	21 November 2007

### Evaluation

It is too early to evaluate EAS as the body, which came into being in December 2005 and held only two Summits including the inaugural Summit. There are, nevertheless, hard realities surrounding the EAS as it represents half of the world's population and a fifth of global trade in 2005. The EAS region attracts over US\$ 147 billion of world's Foreign Direct Investment, of which the largest chunk goes into China, i.e., US\$ 55 billion, followed by Australia that attracts over US\$ 43 billion in FDI in 2005 and Singapore that attracts US\$ 16 billion in 2004.<sup>9</sup> EAS has gone beyond its geographical limit by including South Asia, North East Asia, and Oceania in its orbit. This, in fact, recalled the spirit of the Colombo Plan when South East Asia, South Asia, Oceania, and North East Asia were combined in the first-ever regional set up. Mahatir, however, did not feel himself optimistic with the way EAS finally came into being in 2005 because the birth of EAS was deviated from Mahatir's original vision and conception of East Asia Caucus. He was of the view that "East Asian countries tend to yield to strong pressures, which makes the whole grouping quite useless" as he felt upset by the presence of pro-US countries such as Australia and New Zealand. He has always "opposed the idea of Australia and New Zealand being in the group simply because Australia and New Zealand are not really East nor are they Asian". He feared that these countries would try to dominate the grouping. His East Asia Caucus, however, did not oppose Japan and South Korea that also support US interests in Asia-Pacific in one or the other way. In fact, Mahatir's compassion towards Japan and South Korea was mainly because of their Asian and Eastern characters and their brilliant strides towards economic development by enhancing the prestige of Asia. Although Australia and New Zealand also achieved high human development, they do not represent Asian or Eastern character. They are more inclined towards the Western and European way of thinking, although they are geographically close to South East Asia.

<sup>9</sup> See FDI data in World Bank, *World Development Indicators Database* (April 2006).

Economically, EAS is extremely diverse and represents a cluster of 'Haves' and 'Have Nots' countries with a varying degree of development level. For instance, Vietnam, Laos, Cambodia, Myanmar, and Papua New Guinea are low-income countries within ASEAN, while future members such as Pakistan and Mongolia also fall in this economic category. India, an additional member of EAS, is also a low-income group country. China is the only ASEAN Plus Three that falls in the category of middle-income group country, whereas other two ASEAN Plus Three namely, Japan and South Korea, fall in high-income group countries' category together with Australia and New Zealand. In addition to China, Indonesia, Philippines, and Thailand also fall in the middle-income group. Malaysia is the only encouraging case that falls in the upper-income group country category.<sup>10</sup> Therefore, bridging 'Haves' and 'Have Nots' gap and creating room for equitable distribution of resources would be taxing the EAS in its peace and prosperity drive.

### **Pakistan's Quest for Membership**

Pakistan considers EAS as a significant regional organisation for the promotion of country's political and strategic agenda, advancement of its Vision East Asia policy, and cultivation of strong trading, investment, and economic links. During the Cold War, Pakistan had a substantial involvement in East Asian affairs. After the end of the Cold War, Pakistan has become a Sectoral Partner of ASEAN in 1993. Later it joined the ASEAN Regional Forum (ARF) in 2004. Pakistan also signed the ASEAN Treaty of Amity and Cooperation (ATAC) the same year. At the moment, Pakistan is quadrupling its efforts to become Full Dialogue Partner of ASEAN. This is the main criterion drawn for acquiring EAS membership. Pakistan has to gear up its efforts to assume a Full Dialogue Partnership status of ASEAN. Japan, South Korea, China, Australia, New Zealand, and India have already acquitted a Full Dialogue Partnership status in ASEAN. Therefore, they were incorporated into EAS. While pleading the case for the inclusion of Pakistan into EAS, Badawi pointed out that Pakistan, along with Mongolia, attaches importance to developing relations with ASEAN and maintains close relations with the bloc.<sup>11</sup> During the Second World Islamic Economic Forum (WIEF) held at Islamabad in November 2006, Pakistani Prime Minister Shaukat Aziz made a special mentioning of the Malaysia's earlier support for Pakistan acquiring membership of ARF. He further expressed his desire that Malaysia would continue to back Pakistan to become a Full Dialogue Partner of ASEAN and to finally acquire membership status at the EAS. Furthermore, at the ASEAN Foreign Ministers' meeting held at Vientiane on 26 July 2005, Pakistan

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<sup>10</sup> Based on World Bank, *Global Development Finance 2006* (Washington: World Bank, 2007), pp. 204-5.

<sup>11</sup> *Peoples Daily Online* (Beijing), 21 October 2006.

expressed its desire again to become an EAS member to take part at the inaugural meeting of EAS that was scheduled to take place in December 2005.<sup>12</sup> However, this could not become a reality for obvious reasons mentioned above.

Pakistan has vital trading and commercial interests with the EAS region. Pakistan's total exports to EAS stood around US\$ 1.033 billion in 2005, which was 7.3 percent of Pakistan's total exports for the above period. ASEAN Plus Three has appeared as the most lucrative destination of Pakistan's exports in 2005 within the EAS region when Pakistan's exports reached US\$ 1.7 billion with China taking the largest chunk of Pakistani commodities of US\$ 757 million or 73 percent of Pakistan's total exports to EAS in 2005. The ten-member ASEAN's share of Pakistan's exports has been almost equal to South Korea's alone, i.e., 28 percent.

As far Pakistan's imports were concerned, the significance of EAS has further increased in recent years. Pakistan's total imports from the EAS region has increased to as high as US\$ 9.751 billion, which was 36 percent of Pakistan's total imports in 2005. Again, ASEAN Plus Three's share was the highest, i.e., US\$ 6.155 billion imports or 63 percent of Pakistan's total imports from within the EAS region. Once again, China has been the largest source of imports, i.e., US\$ 3.765 billion or 39 percent of Pakistan's total imports from the EAS region in the above period. After ASEAN Plus Three and ASEAN, India has also emerged as a source of imports within the EAS region. Pakistan's imports from India recorded US\$ 520 million or 5 percent of Pakistan's imports from the EAS region in the above period. Therefore, it must be understood that EAS has been emerging as an important source of Pakistan's trade, and the significance of this bloc has been on the rise on Pakistan's trade agenda (See also Tables 1 & 2 below).

Moreover, Pakistan did not have a tale of "missed opportunities" in East Asia during the Cold War and even after that. Pakistan also continuously looked towards the developed economies of the East for inspiration and ultimately devised what it called Vision East Asia in 2003 to forge close diplomatic, security, and economic ties with East Asian countries. It is hoped that these policy options would ultimately help Pakistan to gain a status at EAS. It is anticipated that the possibility of Pakistan's entry into APEC sometimes in September this year, would also help pave way for its entry into EAS.

Moreover, Pakistan does not have any political sensitivity with ASEAN or with ASEAN Plus Three. Probably, China, India, Japan, South Korea, and even Australia have more competing involvement and stakes at

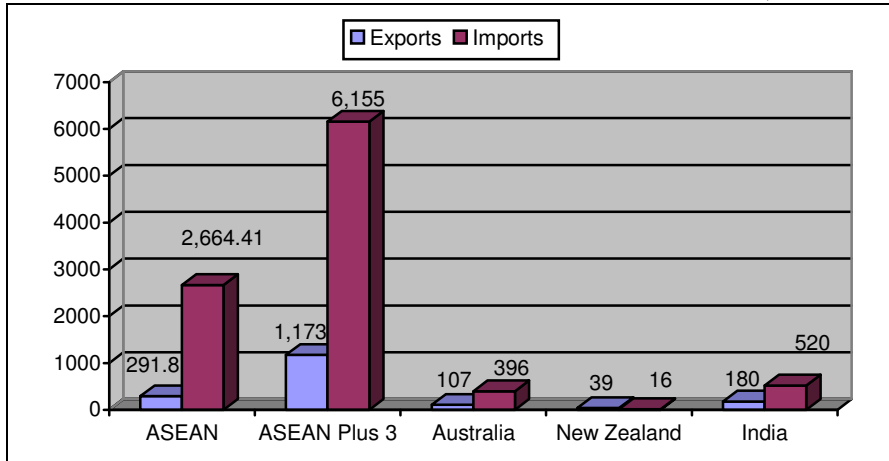
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<sup>12</sup> *The Daily Times* (Islamabad), 25 July 2005.

EAS than that of Pakistan.<sup>13</sup> With the exception of Pakistan’s relations with India, it would not be encountering any challenges if it becomes an EAS member in the foreseeable future. Therefore, it might be argued that if the wary nations of North East Asia could assemble at EAS Summits held in Kuala Lumpur and Cebu, why wary nations of South Asia namely, India and Pakistan could not assemble at such Summits in the future?

**Table 1: Pakistan’s Trade with EAS in 2005**

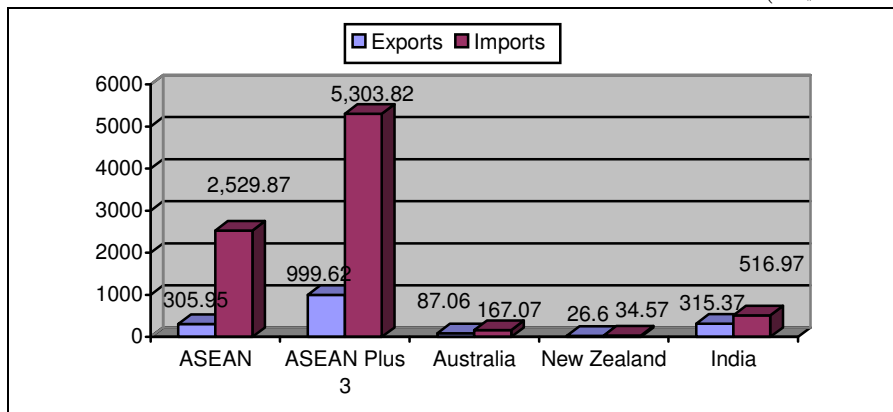
(US\$ Million)



Source: IMF: *Direction of Trade Statistics* (Washington DC, International Monetary Fund, 2006).

**Table 2: Pakistan’s Trade with EAS in 2006**

(US\$ Million)



Source: Ibid., 2007.

N.B. Imports data for the first three quarters of 2006 has been included.

<sup>13</sup> See for China and Japan competing interests at EAS, Mohan Malik, “China and the East Asian Summit: More Discard than Accord”, Hawaii: Asia-Pacific Centre for Security Studies (February 2006).

### **Options for Policy Makers**

A number of choices could be suggested to overcome constraints and difficulties that obstruct Pakistan's entry into EAS at present. Policy makers in Pakistan, therefore, should lay their emphasis on the following seven points to effectively plead the case of Pakistan to acquire EAS membership in the foreseeable future, particularly at the forthcoming EAS meeting to be held at Singapore on 21 November 2007:

- I. Pakistan should launch all-out efforts to become a Full Dialogue Partner of ASEAN. This issue has been on Pakistan's diplomatic agenda since 1993 in its negotiations with ASEAN members and at bilateral level with ASEAN leaders. Pakistan should initiate a breakthrough in this regard at an early stage.
- II. Pakistan's exports to ASEAN Plus Three are substantially higher than its exports to the ten-member-ASEAN bloc, which are two times smaller than exports to ASEAN Plus Three. Pakistan must enhance its exports to the ASEAN bloc. An export of slightly over US\$ 300 million to the ASEAN region by Pakistan would not generate much interest for ASEAN countries to plead the case of Pakistan's membership in the EAS.
- III. Geographical distance should not be counted much for acquiring EAS membership status for Pakistan because Japan and New Zealand, for instance, are at a longer distance than Pakistan from South East Asia, yet they have acquired membership status at EAS because they acquired Full Dialogue Partnership status earlier.
- IV. The level of economic development of Pakistan as being a low-income group country should not be taken as an obstacle to obtaining EAS membership because already other seven countries in EAS fall in this category.
- V. Pakistan is absolutely a fit case for EAS membership because it is an "Eastern" as well as an "Asian" country. This is an inherent qualification and Australia and New Zealand have acquired EAS membership without being "Eastern" or "Asian".
- VI. Pakistan's foreign policy has inducted a new element by the end of 2003 in the shape of Vision East Asia. The purpose of this policy was to cultivate better understandings with all East Asian countries and to promote strong economic ties with them. The Vision East Asia policy should be considered as an opening and a *raison d'être* for Pakistan's entry into EAS.

- VII. Finally, Pakistan has a greater capacity to absorb Mahatir's doctrine of East Asia Caucus. The founders of Pakistan, particularly Allama Muhammad Iqbal, had a greater tendency towards Pan-Asianism and Orientalism. Therefore, Pakistan's idea as incorporated in its ideology should be considered a step forward towards acquiring Pakistan's membership in EAS.

### **Conclusion**

The booming economies of East Asia are naturally pushing the continent of Asia to reassert itself in this new age of post-terror world. EAS is a clear example of this change. It should be noted that EAS does not intend to dominate the world, but at the same time, it does not intend to be bullied by the West any longer. EAS is an effort to elevate the status of East Asian countries and to restore their lost pride to the West during the period of Colonialism, Cold War, and the post-financial crisis. EAS largely represents a forward-looking Pan-Asian movement that would ultimately lead towards the formation of an East Asian Community on the pattern of European Union. With the inclusion of Pakistan, Papua New Guinea, Mongolia, and possibly Russia, as new EAS members in the future, Pan-Asian spirit could further be incorporated into EAS. In this sense, the EAS could be seen as the stepping-stone to a more ambitious goal of an East Asian Community in the future. Notwithstanding that geographically East Asia is too large and culturally too diverse unlike Europe, the beginning of EAS is a bold push towards the creation of a broad East Asian integration by keeping the West at arm's length. EAS would enable the East Asian countries to emerge as equal partners to the West by practically turning the 21st Century as an Asian Century. ■

## THE FUTURE OF INDIA-PAKISTAN PEACE PROCESS AMID THE WAR ON TERROR IN AFGHANISTAN

Dr Ishtiaq Ahmad\*

The renewed significance that South Asia has gained in world politics since the terrorist events of 11 September 2001 in the United States and consequent acts of terrorism in the region, has reinforced the urgency of securing peace between India and Pakistan. The issue of peace in the region depends primarily on what happens in their mutual relationship. The two countries have indeed pursued a vibrant peace process since January 2004, resulting in significant Confidence-Building Measures (CBMs). However, they have not yet achieved any meaningful progress in resolving core disputes such as Kashmir. On the war on terror in the region as well as the future of Afghanistan, both India and Pakistan continue to pursue conflicts of interest. While Pakistan has offered specific new proposals on Kashmir, India has used the war on terror to shift the international focus from self-determination to terrorism vis-à-vis Kashmir. Recurrent allegations by the Afghan government regarding terrorists' infiltration from Pakistan's tribal regions bordering Afghanistan, are also perceived by Pakistan as partly motivated by India's growing influence over the Afghan government.

This paper argues that the terrorist manifestation of religious extremism is a threat common to both India and Pakistan, as well as to Afghanistan and the rest of the international community. It is a threat that can only be confronted jointly, with greater counter-terrorism cooperation and by resolving conflicts, such as the militancy in Kashmir and insurgency in Afghanistan, through mutually conducive diplomatic compromises. A credible internationally-backed regional push towards conflict resolution in South Asia, including Afghanistan, will provide the real boost to regional peace, provided its principal players, particularly India, are prepared to put on hold their expedient, realpolitik interests.

### **Afghanistan as a Factor in Indo-Pak Rivalry**

In the traditionally hostile India-Pakistan relationship, focusing on the Kashmir dispute, Afghanistan has been an important factor. With the exception of the Taliban rule in most of Afghanistan during 1996-2001, Afghanistan remained hostile to Pakistan. Encouraged by India, it voted against Pakistan's membership of the United Nations, and laid nationalist

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\* Associate Professor, Department of International Relations, Quaid-i-Azam University, Islamabad.



claims on Pashtun regions in Pakistan's Frontier and Balochistan provinces. Facing a security threat from India across its eastern borders, Pakistan was concerned about the second security threat from Afghanistan across its western unrecognised frontier with Afghanistan. The Soviet intervention in Afghanistan provided Pakistan an opportunity to contain the threat from Afghanistan, as it became a conduit of international arms and aid to the Mujahideen, who eventually forced the Soviet troops to withdraw from Afghanistan in 1988.

India remained uncritical of the Soviet Union, throughout its intervention in Afghanistan, despite the fact that the anti-Soviet jihad in Afghanistan enjoyed an international support. Even though, India had started pursuing free market reforms in the early 1990s to become part of the capitalist world, it continued to back the Communist government of Dr Mohammad Najibullah, until its collapse in 1992. India also supported the first Mujahideen government, which was replaced by the Taliban in 1996. For its part, Pakistan in alliance with Saudi Arabia, first backed Gulbuddin Hekmatyar's Hizb-e-Islami against the Najibullah government and the Rabbani regime, and then assisted in the rise of the Taliban against the latter. It was during this time, particularly during the rise of the Taliban, that Afghanistan witnessed a proxy war between Pakistan and India, which itself was assisted by Iran. This war continued even after the Taliban captured Kabul, with India backing the Northern Alliance of Tajik, Uzbek and Shiite Afghan factions.

In the aftermath of the Soviet withdrawal from Afghanistan, while the Indian factor became a source of major concern for Pakistan in Afghanistan, the Afghan factor became a sore point for India in the Indian-administered Kashmir. Capitalising on the growing political grievances of the Muslim Kashmiri people there, Pakistan started supporting the Kashmiri and non-Kashmiri Mujahideen. As militancy started shifting from Afghanistan and the tribal areas to Kashmir, India began a massive military campaign against it. In subsequent years, the jihadi militancy and India's counter-insurgency campaign claimed tens of thousands of lives in Indian-administered Kashmir. During the Taliban rule in Afghanistan, the jihadi threat to India in the disputed region assumed grave proportions. The 1999 Kargil crisis between India and Pakistan occurred against this backdrop – a crisis that could have had grave consequences, had it not been averted through US diplomatic intervention.

### **Indo-Pak Ties since 11 September 2001**

Soon after 11 September 2001, Pakistan took a U-turn in its Afghan policy, turned against the Taliban and supported the United States in deposing their regime in Kabul. It had no other option. However, since the Northern Alliance was supported by India against the Taliban, it was but natural for the

new rulers of Kabul, who had been assisted by New Delhi to be pro-India. By abandoning the Taliban, the government of President General Pervez Musharraf had annoyed the pro-Taliban Islamist groups in Pakistan, including the Mujahideen organisations, engaged in militant activities across the Line of Control (LoC) in the Indian-administered Kashmir. September 11, was perceived by India as an opportunity to reduce Pakistan's support to the so-called Kashmiri intifada. It attempted to embrace the United States and isolate Pakistan. India offered the United States its airbases for its war effort against the Taliban.<sup>1</sup> The Indian leaders assumed that they would be chosen as the principal partner of the US in the new scenario, which would enable them to club Pakistan with the Taliban and then jointly clobber both. However, since Pakistan was geo-strategically central to the success of the American war against Afghanistan, Washington chose it instead of India. That explains why India suddenly resorted to anti-Pakistan belligerence after 11 September.

India's attitude towards Pakistan in the months after 11 September was quite irresponsible, from the standpoint of the US-led war against terrorism in the region. While Islamabad was busy assisting the US war in Afghanistan, India raised the military tempers in the aftermath of 13 December 2001 attack on its parliament. After defeating the Taliban in northern Afghanistan and Kabul, the US had been targeting Tora Bora mountains in eastern Afghanistan to hunt down the remaining al Qaeda and Taliban fighters, hiding there in a caves complex. Since this region bordered Pakistan's tribal Pushtun regions, the United States feared that the al Qaeda and Taliban fighters might cross into Pakistan through the porous Durand Line. In order to stop the infiltration of Taliban and al Qaeda militants, Pakistan had to deploy regular army units in the tribal Pushtun belt along its western frontier with Afghanistan. Given the traditionally autonomous nature of the tribal areas, this was an unprecedented step in support of the US combat in Afghanistan. In such circumstances, sponsoring a terrorist attack on the Indian parliament would not have made any rational sense on the part of Pakistan.

India blamed Pakistan-based Lashkar-e-Tayyiba and Jaish-e-Mohammad, which the militant organisations could have done on their own, that provided the perfect pretext for India to amass its forces against Pakistan. By doing so, New Delhi, not only pursued a coercive strategy against Pakistan, but also tried to sabotage the US war on terrorism. Following 13 December attack, India asked Islamabad to move against the two terrorist groups. New Delhi, for the first time in thirty years, withdrew its High Commissioner from Pakistan, cut off air and ground transport links with Pakistan, placed its military on high alert and moved three quarters of a million troops to forward

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<sup>1</sup> Rajiv Chandrasekaran, "India Offers Bases to U.S. for Retaliatory Attacks," *The Washington Post*, September 16, 2001.

positions along the LoC and the international boundary with Pakistan. Pakistan's reaction was, by turn, both conciliatory and bellicose. It placed its military on high alert and moved forces towards the 1,800-mile international border and the LoC. Skirmishing along the LoC and in Siachen Glacier increased. The possibility of open warfare seemed to be mounting swiftly,<sup>2</sup> and the decision making crisis for Pakistan appeared to be aggravating.

Amid such critical circumstances, the United States tried to manage Indo-Pak stand-off by adding Lashkar-e-Tayyaba and Jaish-e-Muhammad to the State Department list of "designated terrorist organisations" – mainly a symbolic gesture that technically froze the groups' assets in the United States – as well as by calling upon Islamabad to shut the groups down.<sup>3</sup> Pakistan's government reacted to the mounting pressures by taking a number of unprecedented steps of its own. Having already renounced its support for the Taliban with one stroke and enlisted as a frontline state in the global war on terrorism, Pakistan made it clear it would not allow its territory to be used by them for conducting their jihadi operations anywhere, including the disputed Kashmir region.<sup>4</sup> Its leadership promised that Pakistan would confine its moral and diplomatic support for the Kashmir cause to groups with roots in Kashmir.<sup>5</sup> In a national address on 12 January 2002, President Musharraf denounced the attack on the Indian parliament and banned five Islamist extremist groups, including Lashkar-e-Tayyaba and Jaish-e-Muhammad. He went so far as to say:

Pakistan rejects and condemns terrorism in all its forms and manifestations. Pakistan will not allow its territory to be used for terrorist activity anywhere in the world. No organisation will be allowed to indulge in terrorism in the name of Kashmir.<sup>6</sup>

The threat of war receded as the Indian government reacted positively to President Musharraf's January 2002 speech and subsequently moved to curb home-grown militants, including those active in Indian-administered Kashmir such as Lashkar-e-Tayyaba and Jaish-e-Mohammad. Nevertheless, it kept its military on high alert and in forward positions. The situation quickly took a

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<sup>2</sup> Atul Aneja, "India Recalls Envoy to Pak," *Hindu*, 22 December 2001; and Celia W. Dugger, "India Weighs Using Troops in Kashmir," *New York Times*, 23 December 2001.

<sup>3</sup> "Bush Blocks Lashkar Finances," *Hindu*, 22 December 2001; and John F. Burns, "Uneasy Ally in Terror War Suddenly Feels More U.S. Pressure," *New York Times*, 21 December 2001.

<sup>4</sup> "The Pressure Rises on Pakistan," *New York Times*, 20 December 2001; John F. Burns, "Pakistan is Said to Order an End to Support for Militant Groups," *New York Times*, 2 January 2002.

<sup>5</sup> Burns, *ibid.*

<sup>6</sup> Text of the speech is available at the official web site of the government of Pakistan, [www.infopak.gov.pk](http://www.infopak.gov.pk).

turn for the worse after consecutive attacks by militants on a bus and the residential quarters of an Indian army camp at Kaluchuk in Jammu on 14 May 2002 that killed 35 people, mainly women and children. India quickly abandoned diplomacy and mobilised for war. Indian forces were again put on full alert and its troops and heavy arms were in place, ready to act, if and when, orders came from New Delhi. Fearing that the renewed stand-off in Indo-Pak ties could jeopardise the US-led counter-terrorism campaign in Afghanistan, for which Pakistan's cooperation was crucial, the United States again intervened in the situation, by sending Deputy Secretary of State, Richard Armitage to India and Pakistan in June 2002. India, however, refused to withdraw its troops from forward positions for months, making any further diplomatic or military concessions conditional on evidence that Pakistan kept its pledge to end all cross-border terrorism.<sup>7</sup>

### **Prelude to Indo-Pak Peace Process**

In the aftermath of Armitage's visit, the infiltration of militants across the LoC indeed declined. India reciprocated by removing restrictions on flights to and from Pakistan and redeploying warships from the Arabian Sea to the Gulf of Bengal. New Delhi may also have calculated that its belligerent attitude towards Pakistan could prove counter-productive to its economic rise and great power ambition – an eventuality that could have been realised with the threatened withdrawal of US and Western investors and citizens from the country.<sup>8</sup> For its part, in the aftermath of the May 2002 standoff, Islamabad realised the urgency of adopting stringent measures to prevent infiltration of jihadi forces across the LoC. Besides banning Lashkar-e-Tayyaba, Jaish-e-Muhammad and a number of other jihadi and sectarian Islamic organisations, it placed restrictions on the activities of the United Jihad Council, a 14-member umbrella group of Kashmiri and non-Kashmiri Mujahideen factions, based in Pakistan and Pakistan-administered Kashmir – including two leading jihadi organizations, Hezb-ul-Mujahideen and Harkat-ul-Mujahideen.

Meanwhile, the stalemate in Indo-Pak relationship continued until the spring of 2003. On 18 April 2003, the Indian Prime Minister, Atal Bihari Vajpayee offered to resume talks on Kashmir with his Pakistani counterpart Zafarullah Jamali, who had earlier phoned his Indian counterpart and invited him for a state visit to Islamabad. During a visit to Srinagar, Vajpayee said that India was ready to resolve Kashmir for the sake of *Insaniyat* (humanity). New Delhi decided to resume full diplomatic, transport and sports links with Pakistan, which it had suspended unilaterally after the December 2001 attack

<sup>7</sup> "India Lifts Ban on Over-flights by Pak Planes," *Times of India*, 11 June 2002.

<sup>8</sup> Najam Sethi, "New Delhi would be Smart to Give Musharraf Its Support," *International Herald Tribune*, 2 January 2002; Mushahid Hussain, "Needed: a Creative India Policy," *The Nation* (Lahore), 4 March 2003.

on its parliament. Following suit, Pakistan went a step further by removing its unilaterally imposed restrictions on trade between the two countries. Islamabad and New Delhi also decided to exchange new High Commissioners, thereby paving the way for full resumption of diplomatic ties at the highest level. In May 2003, Armitage again visited India and Pakistan. While addressing a press conference in Islamabad, he said that President Musharraf had assured him that there was no infiltration across the LoC, and that “if there were any camps they would be gone tomorrow.”<sup>9</sup>

In the subsequent months during 2003, Indian and Pakistani leaders showed flexibility on Kashmir. In October, President Musharraf proposed demilitarisation and joint administration of Kashmir by India and Pakistan. In November, India began to withdraw some of its troops from the portion of Kashmir under its administration.<sup>10</sup> On 22 October, India offered Pakistan a number of CBMs, including the resumption of sports, air and shipping links, and a bus service between the capitals of Indian and Pakistani-administered Kashmir. For its part, on November 23, Pakistan unilaterally announced a ceasefire, along the LoC.<sup>11</sup> India followed suit, extending the ceasefire to the Siachen Glacier area to north of the LoC. On 1 January 2004, the two countries’ airline over flight and landing rights were restored and trains and bus services, across their international border crossing point at Wahga, were back in service. It was amid this climate of growing thaw in Indo-Pak ties that the foundations of the Composite Dialogue that started between Islamabad and New Delhi in January 2004 were set. However, one can argue that the 2002 ‘scare’ proved instrumental in pushing the two sides towards the path to peace.

### **The Composite Dialogue: A Review**

On 6 January 2004, President Musharraf and Indian Prime Minister Vajpayee, met on the sidelines of SAARC Summit in Islamabad and decided to resume the long stalled process to normalise relations between the two countries. In the historic Islamabad Statement, they agreed to “commence the process of the Composite Dialogue in February 2004”, in order to carry the process of normalisation forward. They expressed confidence that “the resumption of the composite dialogue will lead to peaceful settlement of all bilateral issues, including Jammu and Kashmir, to the satisfaction of both sides.” The two

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<sup>9</sup> For details on the Deputy Secretary of State’s visit to South Asia in May 2003, see Mariana Babar, “Kashmir Infiltration Down: Armitage,” *The News* (Lahore), 9 May 2003; and “US Not to Act as a Mediator, Says Armitage” *The News* (Lahore), 7 May 2003.

<sup>10</sup> “Timeline: Steps to Peace in South Asia,” *BBC News Website*, 15 April 2005.

<sup>11</sup> “Pakistan Declares Ceasefire Along LoC Unilaterally: Willingness to Reopen Khokhrapar Route, Start Srinagar Bus Service and Revive Air Links: PM’s Address to the Nation,” *Dawn* (Karachi), 24 November 2003.

leaders also agreed that “constructive dialogue would promote progress towards the common objective of peace, security and economic development for our peoples and for future generations.” In February, Pakistan’s Foreign Secretary Riaz Khokhar met his Indian counterpart Shashank in Islamabad. In a Joint Statement, they agreed to approach the Composite Dialogue with “sincere desire to discuss and arrive at a peaceful settlement of all bilateral issues, including Jammu and Kashmir, to the satisfaction of both sides.” The Composite Dialogue was to cover eight unresolved issues, including: Peace and Security, Jammu and Kashmir, Siachen, Sir Creek, Terrorism and Drug Trafficking, Wullar Barrage/Tulbal navigation project, promotion of friendly exchanges, and trade and economic cooperation.

As prior to the signing of the historic Islamabad Statement, Kashmir remained the focus of peace overtures by the leaders of India and Pakistan. On 22 January in a radical departure from the past, the Indian government also held first ever talks with the leadership of an umbrella Organisation of Muslim Kashmiri separatists, the All-Parties Hurriyat Conference (APHC).<sup>12</sup> On 16 February the peace process over Kashmir received further impetus, when the foreign ministers of the two countries agreed in Islamabad to start a landmark bus service across the LoC between Srinagar, the capital of Indian-administered Kashmir, and Muzaffarabad, the capital of Pakistan-administered Kashmir. Meanwhile, the elections in India brought a new Congress-led government in power, with Manmohan Singh as Prime Minister. Despite that, the Indo-Pak peace process continued. On 7 April, the Kashmir bus service resumed as scheduled, reuniting Kashmiri families divided ever since India and Pakistan fought their first war over Kashmir in 1947.<sup>13</sup>

On 18 April, in a move widely termed as “cricket diplomacy,” President Musharraf and Prime Minister Singh declared on the sidelines of a cricket match between India and Pakistan in India that the peace process between the two countries was “irreversible.” In their joint statement, the two leaders agreed to set up a joint business council to improve trade, launch a rail link between the Indian state of Rajasthan and the Pakistani province of Sindh by 1 January 2006, increase the frequency of the bus service across divided Kashmir; allow trucks to use this route to promote trade, open a new bus link between Poonch in Indian Kashmir and Rawalakot in Pakistani Kashmir, reopen consulates in Mumbai and Karachi by the end of the year, begin a bus service between Amritsar and Lahore.<sup>14</sup> However, despite undertaking such significant initiatives during the year, both sides remained far apart on finding

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<sup>12</sup> “India Holds First Talks With Kashmiri Separatists,” *Associated Press*, 22 January 2004.

<sup>13</sup> “India and Pakistan: All Aboard?” *Economist*, 17 February 2005/ “Bus Aids Kashmir’s Road to Peace,” *BBC News Website*, 7 April 2005.

<sup>14</sup> “Rivals Say Peace “Irreversible,” *BBC News Website*, 18 April 2005.

a final solution to Kashmir. India was unwilling to accept a redrawing of boundaries in the disputed region; Pakistan argued the LoC could not be made a permanent border.<sup>15</sup>

While India and Pakistan moved forward in transforming the LoC into a “soft border,” there remained a potential risk of militants, stoking the insurgency in Indian-controlled Kashmir upsetting the process through a spectacular act of terror in Kashmir or inside India. For their part, however, the leaderships of the two countries seemed committed not to let militant attacks impede the peace process. In their 16 April joint statement, President Musharraf and Prime Minister Singh, jointly condemned the 6 April grenade attack by Kashmiri militants to kill passengers on the inaugural bus service. This was a radical departure from the past – whereby India would accuse Pakistan of sponsoring militancy in Kashmir and Pakistan would deny involvement in it. President Musharraf and Prime Minister Manmohan Singh seemed to show similar personal rapport that had brought the Pakistani leader closer to India’s former Prime Minister, Vajpayee.<sup>16</sup>

In October 2005, a devastating earthquake hit both sides of the LoC, especially the Pakistan-administered Kashmir. This was a humanitarian tragedy, which provided both countries an opportunity to move beyond their respective realpolitik interests and resolve the dispute urgently. While the entire world came to Pakistan’s help, India offered to provide helicopters flown by Indian Air-Force personnel. Pakistan refused to accept the Indian offer, citing security reasons. Pakistan asked India to open five points on the LoC to facilitate the earthquake relief effort, an offer it only reluctantly accepted. President Musharraf also proposed the idea of “demilitarisation” and “self-governance” of the disputed region. Although there was no progress on Kashmir in the second round of talks between the foreign secretaries of India and Pakistan held in early 2006, it did produce additional CBMs, especially in the field of conventional arms ties between the two countries. At the third round of the Pakistan-India Expert Level Dialogue on Conventional CBMs in Islamabad in April 2006, the two countries agreed to four-point CBMs-package in the conventional fields aimed at avoidance of conflicts between them. The package included finalization of Border Ground Rules for implementation along the international border; elaborating, consistent with its intent, the agreement reached on no development of new posts and defence works along the LoC of Jammu and Kashmir; and finalizing an accord on

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<sup>15</sup> Simon Denyer, “India, Pakistan Cricket Diplomacy No Game, It’s Real,” *Reuters*, 19 April 2005.

<sup>16</sup> Ishtiaq Ahmad, et al., “Peacekeeping and Disarmament: Protecting the World’s People,” in Angela Drakulich, ed., *A Global Agenda: Issues before the 60th General Assembly of the United Nations* (New York: United Nations Association of the USA), pp. 37-112

speedy return of inadvertent line crossers.<sup>17</sup> Progress was also made in furthering Indo-Pak communication and transportation links, including a hot line between the foreign secretaries, as well as enhancing trade and people-to-people contacts.<sup>18</sup> This was in addition to a hot line that had been operative between the prime ministers of the two countries since 1997.

The third round of these talks was scheduled for July 2006, but India postponed it after the terrorist bombings of commuter trains in Mumbai the same month, which claimed scores of innocent lives. India alleged that Pakistan-based jihadi organisations, still having links with Pakistani security agencies, were responsible for the terrorist bombings. Pakistan denied the Indian claim, while offering its help to jointly investigate the terrorist incident. Both Indian and Pakistani leaders were committed to the irreversibility of the peace process, which was at risk following the Mumbai bombings. The peace process was revived in September, when Indian and Pakistani leaders, while meeting on the sidelines of the Non-Aligned Movement summit in Havana, agreed that “the peace process must be maintained and its success was important for both countries and the future of the entire region”. In this context, they “directed their foreign secretaries to resume the Composite Dialogue Process at the earliest.” However, the most important outcome of the Havana meeting between President Musharraf and Prime Minister Singh was their decision to “put in place an India-Pakistan anti-terrorism institutional mechanism to identify and implement counter-terrorism initiatives and investigations.” In their Joint Statement, the Indian and Pakistani leaders “strongly condemned all acts of terrorism and agreed that terrorism is a scourge that needs to be dealt with.”<sup>19</sup>

Indian External Affairs Minister, Pranab Mukherjee and Pakistan’s Foreign Minister Khurshid Mahmud Kasuri, met in Islamabad and New Delhi in January and February 2007, respectively under the auspices of the Pakistan-India Joint Commission. In their New Delhi meeting, they concluded an agreement on “Reducing the Risk from Accidents Relating to Nuclear Weapons,” which committed the two countries to notify “each other immediately in the event of any accident relating to nuclear weapons.” They also agreed to “use hotline links between Foreign Secretaries or Directors-General of Military Operations to share urgent information in the event of an accident.” The two foreign ministers acknowledged that progress was being made on Siachen and Sir Creek issues. On Siachen, Pakistan has presented a comprehensive package of proposals, and India and Pakistan have agreed to

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<sup>17</sup> *The News* (Lahore), 28 April 2006.

<sup>18</sup> Ishtiaq Ahmad, “Pakistan’s Foreign Policy 2006,” *Weekly Pulse*, 29 Dec.- 4 Jan. 2007.

<sup>19</sup> Ishtiaq Ahmad, “Kashmir, Not Terrorism Is the Issue,” *Weekly Pulse*, 20-26 Oct. 2006.



undertake a joint survey of Sir Creek. On 17 January, Thar train also started operating between the two countries. The fourth round of foreign secretaries-level talks in New Delhi in March was followed by defense-secretaries level talks on Siachen and the debut session of the joint counter-terrorism mechanism in Islamabad. Yet, no concrete achievement has been made in overall dispute settlement. Considerable progress may have been achieved on Siachen settlement and an agreement on the issue may eventually be signed when or if Prime Minister Singh visits Pakistan. On the whole, however, the Indo-Pak peace process has so far failed to meet public expectations associated with it from the time the Composite Dialogue began in January 2004.<sup>20</sup>

### **Pakistan's Quest for Kashmir Resolution**

As for the resolution of the Kashmir dispute, it is essentially Pakistan that has continued to offer "out of box" solutions after forsaking its traditional stand on the dispute based on the UN-supervised plebiscite option. The rationale President Musharraf has given for the purpose is exactly what the Indians had been offering for years: that the UN resolutions on Kashmir were passed decades ago, and, therefore, they had become irrelevant to the new ground realities in the disputed region. While unilaterally surrendering the plebiscite option, and agreeing to a number of CBMs on Kashmir as desired by New Delhi, President Musharraf has presented a four-point formula for Kashmir settlement, including demilitarisation of the disputed region, establishment of self-governance in it, no change in its borders, and the region's joint supervision by India and Pakistan.<sup>21</sup>

In December 2006, President Musharraf went a step further by telling India's NDTV channel that Pakistan was willing to surrender its claim on Kashmir, if New Delhi agreed to his four-point formula. This was followed by Pakistan Foreign Office spokesperson's proclamation that Islamabad never claimed Kashmir to be its part. The Indian leadership's reaction to such radical pronouncements on Kashmir by its Pakistani counterparts has been rather measured. Just as it did in 2004, New Delhi contends that they have not been communicated through official channels. However, both Prime Minister Singh and his External Affairs Minister Mukherjee, have stated publicly that India has to make adjustment in boundaries if Kashmir has to be resolved, and that there is nothing sacrosanct about Kashmir being an integral part of India as stated in an Indian parliamentary resolution. Alongside the foreign secretaries-

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<sup>20</sup> "Pakistan and India Agree to Move on to Fourth Round under Composite Dialogue," *Associated Press of Pakistan*, 13 January 2007; Amit Baruah, "India, Pakistan Ink Pact on Reducing Nuclear Risk," *Hindu*, 22 February 2007.

<sup>21</sup> Jyoti Malhotra, "Kashmir: Is Agreement in Sight?" BBC News, 7 December 2006, [http://news.bbc.co.uk/1/hi/world/south\\_asia/6217734.htm](http://news.bbc.co.uk/1/hi/world/south_asia/6217734.htm).

level talks, Islamabad and New Delhi are also engaged in back-channel diplomacy, being conducted by President Musharraf's special envoy Tariq Aziz and Indian Prime Minister's special emissary S. K. Lambha. It is possible that domestic compulsions may have forced the Indian leadership to confine its Kashmir initiatives only to secret parleys.<sup>22</sup>

However, the fact remains that India has so far not budged from its traditional stand on the dispute: that Kashmir is an integral part of India, and, therefore, non-negotiable. Meanwhile, in the past couple of decades, the Indian leadership has considered the LoC as a permanent border, as is clear from its repeated reference to "cross-border infiltration." No change in borders in the disputed territory and the non-negotiable nature of the Indian-administered Kashmir constitute India's publicly expressed principled position of the government of Prime Minister Singh. India contends that Pakistan is in occupation of a portion of Kashmir which had acceded to it. While Kashmir officially remains non-negotiable for the Indians, yet the dispute is an important item, at least in Pakistani perceptions, on the agenda of the Composite Dialogue process.

### **India's Stress on Counter-Terrorism**

As is clear from the successive rounds of Indo-Pak foreign secretaries-level talks, the Indian strategy remains to shift the focus from the national liberation aspect of Kashmir to the terrorist dimension of the Kashmiri movement. This is done essentially to buy time and delay the movement towards conflict resolution. The more a settlement on Kashmir is delayed, the more its resolution becomes complicated and the lesser international attention it receives. For its part, Pakistan has kept on floating newer, more radical initiatives for settling the Kashmir issue, essentially with the intention of keeping it alive internationally. If seen in this backdrop, the establishment of a Joint Anti-Terrorism Mechanism at the September 2006 Havana meeting between President Musharraf and Prime Minister Singh, is a step that is likely to face potential problems. Will the intelligence agencies of the two countries – which up to now have been arch rivals, with each allegedly trying to undermine the other's territorial integrity – sit together to cooperate against an enemy perceived to be common?

India and Pakistan have both signed scores of bilateral counter-terrorism agreements with other countries, which have entailed close intelligence cooperation and strict adherence to inter-state arrangements like mutual extradition of terrorists. India has a list of such terrorists as Dawood Ibrahim, the main accused in the February 1993 terrorist bombings in Mumbai who, it thinks, is residing in Pakistan. Islamabad has always denied such Indian

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<sup>22</sup> Ishtiaq Ahmad, "Surrendering Claim on Kashmir, But Only Conditionally," *Weekly Pulse*, 8-14 Dec. 2006.

charges.<sup>23</sup> How will the Indo-Pak joint counter-terrorism authority resolve such disputed cases? How will such a bilateral arrangement work, with Pakistan suspecting Indian hand in the tribal nationalist insurgency or uprising in Balochistan? Even if the two countries have established such a mechanism, how can it succeed in effectively countering terrorism, unless a sea change is visible in India's perceptions about Pakistani territory being a staging post for terrorism in India?

The Joint Anti-Terrorism Mechanism, led by Additional Secretaries of the Foreign Ministries of India and Pakistan, held its first meeting on 6 March 2007 in Islamabad, but without any concrete result. The meeting took place in the backdrop of the 19 February terrorist bombing of the Samjhauta 'peace train' between Amritsar and Lahore, resulting in the death of nearly 70 passengers, mostly Pakistanis. Leaders in both Islamabad and Delhi condemned the attack, rather than point fingers at each other, as normally happened, as and when such incidents occurred. Pakistan described the attack as "horrendous," and offered its help to jointly investigate it. "We will not allow elements which want to sabotage the ongoing peace process and succeed in their nefarious designs," said President Musharraf. Prime Minister Singh declared his country's "abhorrence for this heinous terrorist act," and expressed his condolences by telephone to Pakistani Prime Minister Shaukat Aziz.<sup>24</sup> Even though this was not the first time the leaders of the two countries had expressed their joint concern and condemnation over the incident of terrorism in India or the Indian-administered Kashmir, there remained essential difference of opinion between them over how to jointly tackle terrorism.

As stated before, at the time of the July 2006 terrorist bombings of commuter trains in Mumbai, Pakistan had offered to jointly investigate the terrorist event. But India had rejected the Pakistani offer, and, instead, chosen to castigate the country for providing a safe haven to jihadi organisations such as Lashkar-e-Tayyaba, whom India had accused of orchestrating the Mumbai bombings. In the case of the terrorist bombings of Samjhauta Express as well, Pakistan reiterated the offer of joint investigation. Foreign Minister Kasuri said the tragedy was "a test case for the validity of a joint anti-terror mechanism between the two countries. If the perpetrators wanted to derail the composite dialogue process through this act, it is a good opportunity for both countries to cooperate with each other in the investigation."<sup>25</sup> India again did not respond positively to Pakistan's offer, and refused to share its own findings of

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<sup>23</sup> Praveen Swami, "Flawed Justice," *The Frontline*, 23 Sep. - 6 Oct. 2006.

<sup>24</sup> Siddharth Srivastava, "Bombs Spur India-Pakistan Peace Process," *Asia Times*, 21 February 2007.

<sup>25</sup> "Kasuri Calls for Joint Indo-Pak Investigation," *Associated Press of Pakistan*, 22 February 2007.

the terrorist incident. New Delhi was reluctant even in sharing the list of Pakistani passengers who had lost their lives in the tragedy. The same could be expected from Pakistan. Would, for instance, Islamabad accept joint investigation if a terrorist attack occurs in Pakistani territory? Pakistan did not accept India's offer of helicopters flown by Indian pilots after the October 2005 earthquake.

Notwithstanding such fundamental issues constraining Indo-Pak counter-terrorism effort, the fact remains that India has been using the issue of terrorism to marginalise the political importance of Kashmir dispute in Indo-Pak bilateral ties, as well as within the context of the world's major unresolved regional conflicts. Whenever a terrorist incident has occurred recently in India or disputed Kashmir, Islamabad has been quick to offer its help for jointly investigating the incident. In the case of both Mumbai and Samjhauta Express bombings, the government in Islamabad may have offered its joint investigation help to preempt India's bid to implicate Pakistan or Pakistan-based jihadi organisation in terrorism. However, the fact remains that without bilateral cooperation between the two countries on tackling terrorism – for which a joint Anti-Terrorism Mechanism has started to operate – terrorist incidents in India or Indian-administered Kashmir will continue to cast a dark shadow on the future viability of the peace process between the two countries.

### **Indo-Pak Competing Interests in Afghanistan**

Since 11 September 2001, India and Pakistan have again started competing for influence in Afghanistan. In Islamabad's perception, the Afghan government, led by President Hamid Karzai, is cultivating Indian interests in Afghanistan, and, therefore, undermining Pakistan's security. A similar perception about the Rabbani regime had led to Pakistan's support for the Taliban movement in the 1990s. On 27 July 2003, Islamabad expressed its "deep" concerns about the Indian government's activities along the Pakistan-Afghan border.<sup>26</sup> On 13 August 2004, Jam Muhammad Yusuf, the Chief Minister of Balochistan, stated that the Indian secret services were maintaining 40 terrorist camps all over Baloch territory.<sup>27</sup> Pakistani media has frequently reported such accusations, claiming that proof had been found of the Indian consulates' involvement in Balochistan's troubles. In May 2003, Pakistan accused India of fomenting troubles in Waziristan, where the Pakistani army was meeting significant resistance from the local Taliban and al Qaeda.<sup>28</sup>

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<sup>26</sup> *Hindu*, 28 July 2003.

<sup>27</sup> Herald (Karachi), September 2004, cited in Frederic Grare, *Pakistan-Afghanistan Relations in the Post-9/11 Era*, Carnegie Papers No. 72 (Washington, DC: Carnegie Endowment for International Peace, October 2006), p. 12.

<sup>28</sup> Shaiq Hussain, "Pakistan to Ask India to Rein in Afghan Consulates," *Nation* (Lahore), 18 March 2006, [www.nation.com.pk/daily/mar-2006/18/index11.php](http://www.nation.com.pk/daily/mar-2006/18/index11.php).

One can understand why India wants to make inroads into Afghanistan. The primary motivation for the purpose is India's self-perception of regional and potentially global power. Greater influence in Afghanistan guarantees greater influence in resource-rich Central Asia. However, it is reasonable to assume that the last thing that Pakistan would like to see is an Indian presence on both its eastern and western borders. Pakistan quite naturally would not allow any other regional neighbour of Afghanistan, in particular India, to gain a preponderant influence in Afghanistan. Pakistan's interest is vital at a time when India's growing political, military and economic ties with both Afghanistan and the United States lead many Pakistanis to believe that their country is being marginalised.<sup>29</sup> Indo-Pak rivalry vis-à-vis Afghanistan and Pak-Afghan tensions on the issue of Taliban infiltration consequently constitute a major factor impeding the quest for peace and stability in South Asia.

### **Conclusions and Recommendations**

Being an anti-status quo country, Pakistan has shown flexibility in the Composite Dialogue – especially on the issue of Kashmir – in the manner in which the status quo could or should be revised. Since the status quo favours India, New Delhi has not shown any discernible change in its approach towards the peace process with Pakistan, particularly over the dispute of Kashmir. Since the start of the Composite Dialogue, the Indian and Pakistani leaders have met a number of times. The foreign ministers of the two countries have also met several times. Likewise, their foreign secretaries have also met within the framework of the Composite Dialogue. Such high level diplomacy between Islamabad and New Delhi has indeed produced results, but only in the shape of several CBMs, particularly covering trade, transportation, communication and cultural links. Since the promotion of these links potentially enhances the regional clout of India as South Asia's major political, economic and cultural power, New Delhi has been willing to conclude more of such CBMs as the Composite Dialogue moves forward.

It is India's reluctance to solve major disputes with Pakistan, such as Kashmir, at the diplomatic platform, which forces Pakistani leadership to use the media for expressing the country's willingness to make radical compromises on these unresolved issues. Islamabad does not wish Kashmir to be put on the back-burner, and, therefore, its leadership attempts to internationalise the dispute through media statements, even if they undermine its traditional standpoint on the dispute. For its part, India wants Kashmir to either move away from international limelight or be depicted internationally as a dispute fuelled by nothing but terrorism. Whenever Pakistani leadership attempts to internationalise Kashmir through media, New Delhi urges it to use

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<sup>29</sup> Grare, *op cit.*

the official diplomatic channel for floating new initiatives on the dispute. When the new initiatives become a part of the Composite Dialogue, India virtually shows no interest in making its own compromises required for their realisation. While the Indian talk on Kashmir is based upon generalisations, such as achieving peace and harmony in South Asia or institutionalising more cosmic CBMs in its ties with Pakistan, without doing anything about settling the Kashmir dispute; Pakistani discourse depicts specific policy options from self-governance to demilitarisation, even joint supervision. That is where the peace process stands currently, insofar as the resolution of the most important issue in India-Pakistan relations – the Kashmir dispute – is concerned. Their traditional approaches to the peace process surely ran at cross-purpose. India pursued a bottoms-up approach – that of promoting the conclusion of CBMs as a means to resolve broader political conflicts such as Kashmir. Pakistan, on the other hand, preferred a top-down approach – that of resolving the fundamental dispute of Kashmir first and only then moving towards CBMs.

Pakistan has now changed its policy. It is prepared to agree on CBMs and not insist on the Kashmir question to be discussed and settled first. The Pakistani leadership has also shown due interest in settling smaller unresolved issues such as Siachen and Sir Creek, as this could facilitate Kashmiri settlement. This is a pragmatic approach, one that reflects Islamabad's willingness to compromise its traditional stand on conflict resolution in accordance with India's traditional expectations vis-à-vis the peace process between the two countries. A Siachen settlement should be a breakthrough, opening the door for credible compromises by the two countries on Kashmir. Moreover, the role of CBMs in facilitating conflict resolution cannot be underestimated. However, for settling Kashmir or any other unresolved dispute between India and Pakistan, both countries have to be equally proactive in compromising their traditional official stands on the unresolved issues to find a mid-range workable solution. The two countries have to tackle their respective domestic forces obstructing the peace process. The state apparatus in the two countries has over the years contributed to creating a climate of enmity in public opinion vis-à-vis each other. The public opinion factor is extremely important in India's relatively democratic context. No surprise that India's political leadership is often constrained from pursuing bolder options for resolution of politically sensitive issues for the fear of public backlash or due to intricacies of coalition governance. In Siachen's case, the Indian Army is said to be the main obstacle to an agreement on the glacier. In Pakistan as well, there is no dearth of forces that attempt to obstruct the peace process. Like India, it has a bureaucracy experienced in Cold War style policy choices when it comes to ties between the two countries. Then, there are still hardliners, religious or otherwise, in the country's politics and state institutions who continue to adhere to traditionally rigid stands on Kashmir and other issues of conflict.

Recurrent tensions in ties with Pakistan, which have emanated essentially from the non-resolution of the Kashmir question, threaten India's quest for economic and political prowess at the international stage – since they may dissuade the United States in particular and the Western world in general from investing in India. Given that, India should use Pakistan's willingness to make radical compromises on Kashmir, as an opportunity to resolve this long-standing dispute. After all, it has already made important gestures in this regard; for instance, the 2003 decision to enforce ceasefire along the LoC and the 2004 step to directly talk to APHC leadership. President Musharraf's four-point formula is essentially an attempt to find out a *via media* for the Kashmir settlement. It has potential advantages for India even in its growing quest for having a direct access to Afghanistan. In this context, the idea of joint supervision of the disputed territory should be enormously significant for New Delhi. As far as Pakistan is concerned, it also has to understand why New Delhi does not fully trust on the issue of terrorism on the Indian-administered Kashmir or within India itself and its origin from Pakistan-administered Kashmir or within Pakistan itself. This is not to say that Islamabad has not done enough to reassure India and the international community that it will not allow its soil or that of the Pakistan-administered Kashmir to be used for acts of terrorism across the LoC in disputed Kashmir or within India. Musharraf government has, indeed, adopted stringent measures for the purpose. However, for the sake of peace in the region, it needs to do more to convince India about the sincerity of its intentions in reversing the same jihadi wave in whose growth Pakistan itself played a considerable part. Islamabad's willingness to share with New Delhi within an institutionalised counter-terrorism platform is an important gesture in this respect, which needs to be duly recognised by India. There is no doubt that jihadi infiltration from Pakistan-administered Kashmir has consistently declined since the summer of 2002. The authorities in Pakistan have to pursue a zero tolerance policy towards jihadi infiltration. For their part, the Indian authorities have to understand that fighting jihadi militancy is a common Indo-Pak venture. Since taking a U-turn against Taliban in September 2001, Musharraf government has been facing a constant challenge from radical Islamists, especially in the tribal Pashtun belt bordering Afghanistan. The same belt had generated much of jihadi fuel for Kashmiri militancy throughout the 1990s and until the summer of 2002. Given its historically autonomous nature, the region poses a potent radical Islamist danger to peace and stability in Afghanistan, Pakistan and India – and, all of these countries have to join hands to combat this danger collectively with due international help.

Given that, it is in the interest of India and Pakistan as well as Afghanistan that the US-led international campaign against Taliban-led insurgency in Afghanistan succeeds. By instigating the Afghan leadership against Pakistan, or using the Afghan territory as a staging post for launching

subversive activities against Pakistan, India will only aggravate Pakistan's security dilemma in the region. Yet another proxy war between India and Pakistan in Afghanistan will harm them, Afghanistan as well as the international peace and security mission in Afghanistan. A secure and stable Afghanistan will be an essential bridge between Central Asia, with enormous sources of energy, and South Asia, faced with the enormity of energy crisis. Pakistan itself has to be more proactive in tackling the sources of extremism and terrorism emanating from its soil, particularly the tribal belt bordering Afghanistan. It should understand that the current political dispensation in Afghanistan does not marginalise the Pashtun interests as it did in the first few years of its rule in Kabul. Therefore, it should be in Pakistan's interest not to play the Pashtun card in Afghanistan. As for the Karzai government, instead of trying to internationally isolate Pakistan on the issue of Taliban infiltration, it has to take the government of Pakistan in confidence, so as to create a joint strategy to fight the internal and external sources of growing insurgency in Afghanistan. We need to understand that US/NATO commitment to fighting insurgency in Afghanistan is not temporary. The UN and a number of Western powers have a multi-faceted engagement to reconstruct the war-torn country. It is only by being a part of the international community's bid to bring peace and stability to Afghanistan that India and Pakistan can hope to serve their regional and international interests.

The role of the international community, particularly the United States, is extremely crucial in making the peace process between India and Pakistan a success as well as in preventing the recurrence of Indo-Pak rivalry over Afghanistan. Both India and Pakistan desire ever closer relationship with the United States. A mutually-beneficial settlement of Kashmir should not be a hedge against India's strategic relationship with the United States. Nor should Pakistan feel threatened from India's strategic ties with the United States, if it is convinced that these ties do not threaten its own legitimate regional ambitions – for instance, the quest for access to Central Asian market and energy resources through Afghanistan. It was wrong on India's part to be jealous about Pakistan's emergence as a frontline state in the US-led war on terror in Afghanistan in the aftermath of 11 September 2001 and pursue a bellicose attitude towards Islamabad. The consequent stand-off in Indo-Pak ties until the summer of 2002 would have jeopardised the future of South Asia, had the United States not attempted to defuse the crisis or had the leaders of India and Pakistan not learned from it or not embraced peace in the subsequent months and years. A detailed narration in this paper about the areas of conflict and concern of India, Pakistan and Afghanistan, and the main events reflective of their respective competing and clashing interests, provides a rational context for realising a grand transformation in South Asia from conflict and tension to cooperation and integration, obviously with requisite input from the international community, particularly the United States. ■



## THE GENESIS OF CHANGE AND MODERNISATION IN FEDERALLY ADMINISTERED TRIBAL AREAS (FATA) OF PAKISTAN

**Dr Fazal-ur-Rahim Marwat\***

### Introduction

The socio-economic scene in the tribal areas, known as Federally Administered Tribal Areas (FATA) in the Constitution of Pakistan,<sup>1</sup> has changed and is changing very rapidly, which is manifested by a number of active variables in the tribal-rural society of Pakistan. However, we have yet to create and raise a system of politics and administration having indigenous modern democratic institutions, capable of meeting the emerging needs and demands of the time.

Civil society, democratisation and modernisation are long processes. These are secular concepts and are interpreted differently by different people. The very idea, i.e., the sovereignty of civic based institutions over authority and of plurality over centrality, seems a recent phenomenon. In the context of Pakistan and particularly in tribal areas, modernisation is a continuous process, while civil society is in an embryonic stage. A number of questions needs to be answered: What are the ideological and economic contours of Pakistan politics; how to identify and theorise Pakistani cultural ethos in the shadows of colonial structure; how religion and politics are involved in evolving civil society and the process of democratisation and what are the “internal constraints”, both constitutional and institutional, inherited from the past and external environment in the form of Talibanisation and globalisation influencing men and movement in the tribal areas of Pakistan? Some of the internal and external factors, unfolding the dynamics of change and modernisation in the tribal areas, are as follows:

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\* Associate Professor, Pakistan Study Centre, University of Peshawar.

<sup>1</sup> Article 246(c) of the 1973 Constitution of Pakistan states: “Federally Administered Tribal Areas include (i) Tribal Areas, adjoining Peshawar district; (ii) Tribal Areas, adjoining Kohat district; (iii) Tribal Areas, adjoining Bannu district; (iv) Tribal Areas adjoining Dera Ismail Khan district; (v) Bajaur Agency; (v-a) Orakzai Agency; (vi) Mohmand Agency; (vii) Khyber Agency; (viii) Kurram Agency; (ix) North Waziristan Agency; and (x) South Waziristan Agency”.

### Dubai *Challo* Phenomenon

Traditionally in tribal areas, income was derived mostly from political activity, such as raiding settled districts, allowances from Islamabad or Kabul, smuggling, and limited agriculture. Such income was small and irregular and the entire set-up of the tribal society, the contours of relationship between maliks, mullahs, political authorities and the common people were determined by these meagre economic activities.

Two important sources of wealth, however, were opened during the last years of the 1960s and the early 1970s. The expanding Arab oil economies and a vigorous policy of economic development in the tribal areas by the government of Pakistan, brought a drastic change in the lives of the tribal people. The Dubai *Challo* phenomenon was more attractive to every one in the North West Frontier Province (NWFP) and FATA. Most of the youngsters from tribal areas migrated overseas to work in the Arab states. In this race for employment in the Middle Eastern countries, the people from North and South Waziristan Agency, were in the forefront. The remittances they brought with their labour brought a degree of prosperity to the concerned families at home. Consequently, for better standard of living or education of kids, some of the Mohmand, Shinwari, Wazir and Mahsud families moved from their mountainous abodes towards settled districts of the province.

According to Akbar S. Ahmed: "There is evidence that junior, or depressed, lineage [clan or sub-clan] saw employment abroad and the economic opportunities at home as an avenue of escape from their positions in society."<sup>2</sup> Working in the Arab States allowed them to send remittances home, thus enhancing their economy. Their involvement in trade and contracting within the agencies allowed them to challenge the maliks. In most lineages, *tarboor-wali* (family competition/rivalry) was being translated from political into economic terms. In the late 1970s, the maliks entered the race, and their junior sons were sent abroad or they began accepting contracts in the agencies to sustain their politico-economic position. As obtaining a visa was expensive and difficult, the malik's connections with the government proved helpful. In the Arab states, the tribesmen were/are employed in hard manual labour performed under extremely harsh conditions, making roads and buildings or driving trucks. Most of them regularly send regular sums of money back to their families. On return, they construct houses and invest in businesses in settled districts.<sup>3</sup> The impact of the new money and ideas on traditional hierarchy, authority and, indeed, morality are both positive and negative.

<sup>2</sup> Akbar S. Ahmad, *Resistance and Control in Pakistan* (London: Cambridge University Press, 1991), p. 97.

<sup>3</sup> *Ibid.*, p. 98.

### **Z. A. Bhutto's Development Projects**

Development projects and schemes were provided with unrestrained generosity in the tribal areas, during the Prime Ministership of Z. A. Bhutto (ZAB). Such economic development was not politically innocent but a rather shrewd move on Bhutto's part to outflank his Pashtun rivals in the National Awami Party (NAP), based in Charsadda and Mardan,<sup>4</sup> by wooing the hitherto neglected tribal areas. Had he announced adult franchise for the tribal areas, before the general elections of 1977, the widespread development projects would have made him popular with the tribal people. He would have been able to successfully bypass the maliks and their exclusive privilege to elect members of the National Assembly. Adult franchise was not granted in 1977, however, and the maliks retained the right to vote. The vote meant continued benefits for the maliks, including development projects. Double benefits accrued to the maliks who accepted such projects: the project itself, whether a water tank or primary school, for their settlement and, by established tradition, the right to be nominated by the administration as contractor. Because the government was eager to open up new areas, it was prepared to placate the maliks whose authority would allow a development scheme to be implemented. Unfortunately, work on the projects was often shoddy, but profits were always handsome. The resulting problems in diplomacy for the political administration were many.

### **Bhutto's Political Initiatives**

After elections of 1970 in Pakistan, Pakistan Peoples Party (PPP), led by ZAB, launched a series of reforms in various fields. For political reawakening and in countering the propaganda of Afghanistan, ZAB started holding first ever political rallies in tribal areas in November 1973. He established Cadet College at Razmak, North Waziristan, and 200-bed hospital and 20 bungalows for college teachers were also constructed in Parachinar, the headquarters of Kurram Agency. An extensive programme for establishing engineering college between Bara and Dara Adamkhel was also in his plan for socio-economic uplift of the area.<sup>5</sup> Other development projects and schemes were provided with unrestrained generosity in the tribal areas. These projects were given to traditional maliks or contractors plus maliks for political reasons or as bribe by political authorities. With ZAB's political trips to FATA and development work, the opposition parties such as Jamiat Ulema-e-Islam and NAP also

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<sup>4</sup> See for more details Akbar S. Ahmad, *Social and Economic Change in the Tribal Areas* (Karachi: Oxford University Press, 1977).

<sup>5</sup> Gen. (R) Naseerullah Babur, (former Interior Minister) speech in Area Study Centre, University of Peshawar. 7 December 2004 ; See also Babur's article in the book *Federally Administered Tribal Areas (FATA) of Pakistan* (Peshawar: Area Study Centre for Russia, China & Central Asia, University of Peshawar, 2007), pp. 9-15.

initiated their political activities in the tribal areas. All these political gestures positively contributed to political awakening in the tribal areas.

### **April 1978 Revolution and Jihad in Afghanistan**

The impact and effects, the interaction and reaction of the Afghan crisis since 1978 on the history, politics, economy, culture and outlook of the people and places in FATA, North-West Frontier Province and Balochistan are so deep, permanent and paramount that it would change the course of history and present geo-political set-up of the region, if the world community failed to bring peace in this turbulent region.

The 1978 upheaval, followed by the Soviet armed intervention in Afghanistan and Islamic Revolution in Iran in 1979, brought the religious elite to the forefront. Their services were hired both by the Islamic East and the Secular/Christian West. The cry of “Islam in danger”, was raised and the movement for Jihad was carried to the extreme in Afghanistan and tribal areas. The protracted Jihad and war in Afghanistan brought in million of tons of arms and ammunition to a tribal society. As a result of the Afghan war, more than three million Afghan refugees sought shelter in different parts of Pakistan, out of whom 2.2 millions had been residing in 247 camps in NWFP and adjacent tribal areas.<sup>6</sup> Foreigners in the guise of aid-workers and reporters rushed to the province and attached themselves with various factions and parties of the Afghans to achieve their ends. If Pakistan became what the US calls a “frontline state” in the battle to combat Soviet Communism in the region, the NWFP became the “frontline province” and FATA became the “frontline area” in the new “Great Game” between the US and the former USSR. It was, therefore, through NWFP and tribal areas that the US assistance to the refugees and their leaders was routed.

In 1978, Pakistan's government spent \$145 million in “humanitarian assistance” to the incoming Afghans, while it is noteworthy that in 1976-77, the government spent \$ 24.6 million for the development of the entire tribal areas. This became a major source of funds and weapons flowing into certain political and religious organisations, giving them a bigger clout than they could ever hope to obtain through the ballot box.

The two revolutions in the region, jolted the entire region politically and accelerated the process of political confrontation into ideological polarisation and commitments of the political leaders in NWFP and in the tribal areas. If the April Revolution supported the leftist elements in the province, the influx of Afghan refugees gave an opportunity to the Islamic forces to exploit them for their own interests. If Allama Arif Hussaini of Parachinar rose to prominence and became

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<sup>6</sup> Dr. Fazal-ur-Rahim Marwat's un-published paper “The Impact on Tribal Areas and Pakistan of the Emerging religious/ethnic direction of the Afghan War and Association of Pakistani Political Parties”.

the leader of the Shia community of Pakistan with the support of Iran, the Afghan crisis became one of the factors for Qazi Hussain Ahmad to become the Amir of the Jama'at-i-Islami of Pakistan. Hence, the crisis proved a major setback to nationalist parties for the time being in 1980s and 1990s.<sup>7</sup>

The late Noor Muhammad Taraki and Hafizullah Amin of Peoples Democratic Party of Afghanistan (PDPA), even tried to form the Khalq Party in the tribal areas and if possible in the Frontier Province and in this connection they made contacts with some leftist and nationalist leaders.<sup>8</sup> But due to their short reign and national and international pressure, the idea did not materialise.

### **Madaris Culture**

The Islamic nature of the Afghan resistance has highlighted the close relationship of religion and politics and encouraged both locals and refugees in the province by establishing about one thousand Islamic madrassas in NWFP and almost 300 in the tribal areas with the aid of Middle Eastern countries for imparting Islamic traditional knowledge and to provide ideological base for the Afghan Jihad. The daily *Frontier Post*, Peshawar, reported that Rs. 15.969 million were distributed amongst 42 Deeni Madaris only from 1984-85 to 1990-91, out of the Provincial Auqaf Fund.<sup>9</sup> Most of the Arab donors injected sectarian germs in the refugees, through these religious institutions only to gain their own ends.

Mostly the training camps for the Afghan and Kashmiri Mujahideen were situated in the tribal areas or along the tribal belt. In this Jihadi atmosphere, the generous flow of money and arms from the Ojheri Camp Rawalpindi to the Afghan field commanders and Mujahideen fighting in various parts of Afghanistan were all passing through the tribal area and naturally this created a "war economy". This new economy not only provided business opportunities to the locals but they were also encouraged to take arms and to fight side by side with their Afghan brethren and other foreigners against Russians. The collapse of the Taliban regime in Kabul and the rise of Tehrik-Nifazi-Shariat-i-Muhammadi (TNSM) of Sufi Muhammad<sup>10</sup> in Malakand area and later the MMA rule over NWFP further aggravated the situation in FATA.

In South Waziristan Agency, about 50,000 refugees were reportedly living. Of these, only 20,000 were officially registered while the total population of the agency was 300,000. In North Waziristan Agency, the

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<sup>7</sup> Allama Arif Hussain of Parachinar was later on assassinated in Peshawar.

<sup>8</sup> Dr Fazal-ur-Rahim Marwat, *Evolution and Growth of Communism in Afghanistan (1917-79) - An Appraisal*, (Karachi: Royal Book Company, 1997), p. 350.

<sup>9</sup> *Frontier Post* (Peshawar), 17 July 1992.

<sup>10</sup> The TNSM leader Sufi Muhammad is currently in Dera Ismail Khan Jail.

officially registered refugees were 120,000.<sup>11</sup> In some areas of FATA, the refugees' influx has upset the existing balance among various communities, inhabiting those areas. For instance, in the Kurram Agency, the existing sectarian balance between the Sunni and the Shia sects has been greatly disturbed. The total population of Kurram Agency was 173,000, according to the 1981 census, out of which, the Shias were 130,000. It was alleged that the Shia and the Sunni refugees were involved in the sectarian clashes, which had left more than 200 dead in 1984. In 1987, it was for the first time in the history of tribal areas that besides Kalashnikovs, mortars and rocket launchers were used between the Sunnis and the Shias openly in the Sadda Bazaar, Kurram Agency. Even in September 1996 Sunni-Shia clash in Kurram Agency more than one hundred people died from both sides including Scouts personnel. In these clashes, all types of arms including mortars and rocket launchers were used and Afghan refugees participated. The Taliban militia started firing at Shia village located near the historic Kharlachi check post close to the Pak-Afghan border. It was after the warning of Pakistani authorities that Taliban stopped firing. Haji Sirajuddin was the President of the Aqwam-i-Ahle Sunnat-wal-Jamaat while Haji Gulab Hussain was the President of the Tanzeemul Momineen Tribal areas in 80s. In 1983, General Zia ul-Haq, donated Rs. 0.2 million to Sipah-e-Sahaba to start Eid-e-Millad procession in Kurram Agency. To some impartial observers, the Sunni-Shia clashes were fanned by the Agency administration with drug barons and smugglers. It is noteworthy that in sectarian violence between the Anjuman Sipah-e-Sahaba and the armed group of Sipah-e-Muhammad of the Tehrik Nifaz-i-Fiqah-i-Jafria (TNFJ) leaders like Ehsan Elahi Zaheer, Arif Hussain, Haq Nawaz Jhangvi, Sadiq Ganji and Israrul-Qasmi were assassinated in 1986, 1988, 1989, 1990 and 1991 respectively. In the recent sectarian violence (April 2007) in Parachinar and other parts of Kurram Agency, more than 40 people died.<sup>12</sup> A sectarian issue had resulted in the death of over 300 people in Khyber Agency during the past one year while a large number of people were killed over a similar issue in Orakzai Agency, a few months earlier. Ironically, in Bara Tehsil of Khyber Agency the two rival groups of Sunni Sect were using FM radio stations for propaganda against each other.<sup>13</sup> According to the Pakistan Electronic Media Regulatory Authority (PEMRA), over 100

<sup>11</sup> Dr. Fazal-ur-Rahim Marwat's un-published paper "The Impact on Tribal Areas and Pakistan of the Emerging religious/ethnic direction of the Afghan War and Association of Pakistani Political Parties".

<sup>12</sup> *Dawn* (Karachi), 10 April 2007.

<sup>13</sup> The Khyber Agency, adjoining Peshawar has been tense since November 2005 after two rival Sunni religious groups led by Mufti Munir Shakir and Pir Saifur Rahman raised banners of Shariat of their own. After many skirmishes and infightings between two groups, political authorities expelled both from the Agency, but the compatriots of Mufti Munir Shakir were reorganised by Mangal Bagh to launch a new battle in the Agency.

seminaries and mosques broadcast extremist and Jihadi propaganda from illegal FM channels across the NWFP and tribal areas.<sup>14</sup> FM stations are a powerful new medium for communicating the message of Jihad and violence against the “infidels and their lackeys”.<sup>15</sup>

Another significant but deleterious socio-political feature which brought vital change in the tribal areas, is the use of drug money in politics. A UN Drug Control Programme (UNDCP) survey claimed that in 1994 Afghanistan had produced 3,270 tons of opium, thus displacing Myanmar (Burma) as the world's largest supplier. After the "Golden Triangle" on the borders of Burma, Thailand and Laos in South East Asia, the "Golden Crescent" on the borders of Afghanistan and NWFP is emerging as major drug Centre. An anonymous source in NWFP has gone so far as to say: “Heroin is our mineral wealth.”

The opium harvest of Afghanistan which used to be exported to Iran, stopped altogether with the rise of Islamic Revolutionary government there. With the missing of Iranian market and political crisis in their own country, the Afghan poppy grower along with our tribal people began to set up heroin manufacturing laboratories in the tribal area along the Pak-Afghan border. It was reported that, besides other things, heroin money was spent in the election campaigns in the NWFP and it was alleged that Maulana Fazal-ur-Rahman, the leader of Jamiat Ulema-e-Islam, lost his seat in 1993 elections due to heroin malignant money used in his constituency.

Muhammad Ramzan Bhattani used allegedly drug money in the constituency of Maulana Fazal-ur-Rahman by contesting election with the aim only to defeat the Maulana. And as a result both were defeated, though he achieved his goal.<sup>16</sup> The heroin culture developed to such an extent in the province and in FATA that it became a fashion to smuggle heroin. Drug addiction, practically unknown in Pakistan before Afghan crisis, is now rampant. It is regrettable to quote the report that some members of the respectable families of the province are involved in this business. For instance, one ex-Governor's son (Akbar Khan Hoti) and an ex-Federal Minister were sentenced by the court for drug trafficking, and one ex-Provincial Minister was arrested by the anti-narcotics authorities in Karachi for heroin smuggling. Waris Khan Afridi, an ex-Federal Minister was sentenced for drug trafficking and Amanullah Kundi alias Mano Khan was arrested in Karachi for heroin smuggling. Ayub Afridi, a former Member National Assembly (MNA) from Khyber Agency was allegedly involved in drug trafficking.

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<sup>14</sup> *Pakistan's Tribal Areas: Appeasing the Militants*, International Crisis Group, Asia Report: N.125, 11 December 2006, p. 24.

<sup>15</sup> *Ibid*, p. 23.

<sup>16</sup> Author's interview with Said Khan, Gul Muhammad, Sahista Khan, at Tank, 30 December 1992.

This heroin malignant money changed the overall socio-economic and political order in the tribal area. Persons like late Wali Khan Kuki Khel and Nadir Khan Zaka Khel, once the protagonist of Pashtunistan movement, were overshadowed by persons like Ayub Afridi<sup>17</sup> with wealth and power. Earlier, in Orakzai Agency, Late Maj. General (retd) Jamaldar Khan was defeated by a commoner but wealthy contractor in the 1977 general elections.<sup>18</sup>

### Public Schools

In Kabul, Afghan government has two secondary schools for tribal people, namely Rahman Baba *Lycee* and Khushal Baba *Lycee*, besides some seats in other educational institutions. These schools in 1960s and 1970s, produced political consciousness in some tribal areas of Pakistan and most of the students from these schools were the protagonists of Pashtunistan. Later on, some students from tribal areas were admitted in Germany, former USSR and other Communist countries. On this side of the Durand Line, since 1980s, public schools, colleges and even private universities with various names both in settled districts of NWFP and in tribal areas, are attracting tribal students for various reasons. The Afghan refugees were also about ten percent in these educational institutions. Most of the maliks in the tribal areas are either uneducated or less educated. For instance, in the North Waziristan Agency, 1600 maliks had the right to vote for National Assembly elections, before the introduction of adult franchise in the tribal areas by the caretaker government of Malik Meraj Khalid.<sup>19</sup> Out of 1600 maliks, 132 can write their name but

<sup>17</sup> Mr. Ayub Afridi, a poor fellow turned billionaire during Afghan war, raised a palace in Khyber Agency. In an interview Mr. Javed Iqbal, Lecturer Department of History, University of Peshawar asked Haji Ayub Afridi about his source of wealth and huge palace. Ayub replied, "Neither the Americans nor the Pakistanis could prove anything against me. The official asked me where it [wealth] come from. I told them Allah gave me all this."

<sup>18</sup> Late Maj.General (retd) Jamaldar Khan was father of Dr. Gulab Jamal, a Federal Minister. For more detail see Akbar S. Ahmad, "The Arab Connection: Emergent Models of Social Structure and Organization among Pakistani Tribesman", *Journal of South Asian And Middle Eastern Studies*, Vol. IV, No. 4, Summer, 1981.

<sup>19</sup> The 1997 Elections were the first elections held in the Tribal Areas on the basis of universal adult franchise. According to the electoral rolls prepared for the 1997 elections, the total number of registered votes was 1.6 million, including 0.4 million female votes. Against the 8 seats of National Assembly, a total of 298 candidates jumped into the fray. The average turn out was 33.69 per cent. In the last elections held on 10 October 2002, the total number of registered votes was 1.29 million The number of male registered votes was 814921; while the number of registered female votes was slightly higher than in the 1997 elections (469053). The average turn out was 25.48 per cent. No wonder the decision was hailed as an event of great historic importance, which changed the entire socio-political structure and pattern of politics in the tribal society. IPRI Paper 10, *Federally Administered Tribal Areas of Pakistan* (Islamabad: Islamabad Policy Research Institute, 2005), pp. 44-45.



can't read, whereas 76 can read and write. The remaining 1392 maliks are illiterate.<sup>20</sup> These public schools produced a new class of tribal youth who are not only against their traditional maliks but they are also against the prevailing system of administration.

### **Kalashnikov Culture**

After the Soviet infiltration in Afghanistan and the lavish supply of arms and ammunition to the Afghan freedom fighters, another major problem created generally in Pakistan and particularly in the NWFP and tribal areas, is the introduction of Kalashnikov culture. It was alleged by US Congressmen that 30 percent of "the total arms aid to the Afghan freedom fighters is siphoned off along the way by corrupt officials, Afghan leaders and the *Mujahideen*".<sup>21</sup> The easy and cheap availability of Kalashnikov developed a sense of radicalism and became a symbol of power and ostentation in the young generation, which naturally contributed too many evils in the society and boosted the crime rate in the province and tribal areas. Even leaving aside other aspects, the tendency to purchase Kalashnikov and other arms is diverting the meagre resources and a sizable chunk of the purchasing power into unproductive channels, thereby, distorting the domestic demand pattern. The Afghan Jihad, though started with Islamic national zeal, unfortunately ended with ethnic strife and sectarianism in the tribal areas.

### **NGOs Culture**

The concept of non-governmental organisations got its roots in the NWFP and tribal areas, during the Afghan crisis and the influx of refugees. These Private Voluntary Organizations (PVOs) or NGOs, together with international agencies, were permitted by Pakistani government to work among the refugees. *Official Handbook on Refugee Management in Pakistan* (1980), chapter 11, describes that the PVOs, as significant sources of relief assistance, are the private voluntary organisations, both within and outside Pakistan. Acceptance of such assistance is based purely on humanitarian grounds and must be devoid of any political, social or religious strings or conditions.

Though, in June 1980, General Zia restricted the activities of PVOs, especially in the tribal areas, however, the International Rescue Committee was allowed to set up a medical programme in the refugee camps. Some religious parties and Arab associations in Pakistan were trying to convince government officials that Western Volunteer Organizations were engaged in Christian missionary activities or that they were Communists. Foreigners faced long delays in obtaining official permission from Pakistani authorities to work for PVOs and many did so illegally on tourist visas. During 1980-83, the Afghan

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<sup>20</sup> Field Report. 1992.

<sup>21</sup> M. G. Weinbaum, *Pakistan and Afghanistan: Resistance & Reconstruction*, (Karachi: Pak Book Corporation, n.d.), p. 31.

Refugees Commissioner (NWFP), was also reported to discourage foreign NGOs to work in the refugee camps. But for various reasons and due to internal and external pressure in 1983, 17 PVOs were registered. By the end of decade, 75 foreign organisations (including 45 from Europe and 14 from North America) maintained offices in Pakistan and were engaged with the refugees.<sup>22</sup> The UN related projects and NGOs provided employment to 6,000 local people. There were 51 unregistered Pakistani, Afghan and Arab NGOs, while as many as 136 groups were working in Peshawar with different aims and objectives. Some of the NGOs were publishing anti-Soviet and anti-Communist literature in Pashtu, Dari, English, Urdu, Arabic and Russian. Almost all anti-Communist books and articles were translated in Pashtu and Dari for the Afghans in Pakistan. The US Information Centre (USIS) in Peshawar was in close liaison with almost all Afghan NGOs. Most of the Afghan NGOs had their own publications in local languages as well as in English. Some of the Afghan NGOs in Peshawar, for instance, the Writers Union of Free Afghanistan (WUFA) and later on Afghanistan Study Centre (ASC) and Afghan Information Centre (AIC) Peshawar, produced some quality journals and newspapers in Pashtu, Dari and English and even produced, to some extent, unbiased literature on Afghanistan and Afghan problem and freely distributed in tribal areas and other parts of NWFP. The NGOs and PVOs of the Middle Eastern countries working in NWFP with different names and in different fields were all involved in creating a Jihadi culture, Arabisation and Wahabism among the refugees and tribal areas. It was because of these PVOs and NGOs work in the NWFP and tribal areas, that people became conscious about sectarian and humanitarian notions.

### **Adult Franchise in FATA**

There was a popular demand of “one man, one vote” for the people of the tribal areas from the political parties as well as from the newly emerging educated and business elite in the tribal areas. These germs for change were mushroomed in the Khushal and Rahman Baba *Lacee* (as mentioned above) of the Kabul government as well as the opening of the educational institutions in the tribal areas by the government of Pakistan. Thus, most of the educated youngsters and business class, demanded for adult franchise in the tribal areas. The reason was obvious: the reactionary role of the political authorities and the so-called malik system. Without assessing its merit and demerits, their demand for adult franchise was accepted by the caretaker government of Malik Meraj Khalid. As a result of presidential ordinance, the system of adult franchise was introduced in the tribal areas. Presently, there are 12 National Assembly seats for the tribal areas where election are held on non-party basis. According to official figures, there are 1.60 million registered voters in the tribal areas. Previously, there were only 37,719 voters in the tribal areas. In FATA, the elections of 1997 were welcomed, the reason was obvious because,

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<sup>22</sup> *Dawn* (Karachi), 13 May 1989.

for the first time in history, the tribal people elected their National Assembly members on the basis of adult franchise and they also considered it as their success in overcoming the resistance of pro-status quo bureaucracy and the traditional tribal maliks/Lungi holders.

### **Modern Means of Communication/Transportation**

From 1980s onward, transport emerged as a major source of revenue for tribal people. The abundance of transport, on the one hand, has solved the transport problem with their long trailers as well as by plying their mini-busses on the roads, on the other, it has contributed to smuggling and drug trafficking in the country.

The development of roads and other networks of communication in the tribal area, brought a drastic change in the outlook and living standards of the tribal people. Though initially, the real purpose of communication network was strategic and linked with military exigency, it also contributed a lot to the economic uplift of the province by linking backward areas and less developed regions with the developed regions and provided jobs to unskilled workers at their doorsteps.

These roads provided huge sums of money to local contractors and are responsible for the emergence of services such as hospitals, shops, mechanic-workshops, petrol pumps along the road side. Goods and services to consumers and markets are now more readily available and transportation facilities have improved and increased. Most of the affluent and wealthier tribals invested money in buying property and goods in different parts of the province and this created law and order situation in the settled districts.

The misuse of Afghanistan Transit Trade (ATT) by tribal people in partnership with the Afghan traders created not only a new class of businessmen in the tribal areas but it also constructed huge plazas in Karkhno market, Hayatabad, Peshawar and Bara markets throughout the province.<sup>23</sup> Telecommunication density is quite high in Khyber Agency but it should also grow in the backward areas such as North and South Waziristan and Bajaur. Optic fibre links along the main highways and emerging urban areas are vital for developing modern industrial and financial centers in terms of data communication and management. A cellular communication network is also expanding its operations into tribal areas, particularly Khyber and Kuram Agency.

It was due to the Afghan crisis that a Pashtu service was launched from BBC, VOA and VOG, and, for the first time, a regular Pashtu daily *Wabdat* started publication with impressive circulation in NWFP. Besides *Wabdat*, now

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<sup>23</sup> Pashtu monthly *Lekwal*, May 2007, pp. 24-27.

there are other Pashtu newspapers, weeklies and numerous monthly journals<sup>24</sup> in circulation, published by tribal and settled people, creating a class of tribal journalists, writers and poets. The formation of various literary societies by the tribal people is also a positive sign of change in the society. The Islamic institutions, run by Peshawar-based Afghan leaders and locals, produced Islamic literature in local languages and translated most of the works of the Ikhwanul-Muslimeen of other countries in Pashtu. If this new chain of Islamic institutions contributed positively in imparting Islamic traditional knowledge in the area, it also was spreading the germs of sectarianism by further dividing the traditional tribal Pashtun society into different sectarian groups, on both sides of the Durand Line.

### **Development Opportunities under the Shadow of Post-9/11 Scenario**

The reconstruction process in Afghanistan after 9/11 and the opening of Central Asian markets provided a golden opportunity for tribal areas on both sides of the Durand Line. Its huge labour force that was heading towards Karachi and Gulf countries, is now to some extent, absorbed in the reconstruction projects and transport business in Afghanistan.

For various overt and covert objectives, Pakistani troops, initially moved into highly strategic positions of Tirah Valley of Khyber Agency and portions of Kurram Agency bordering the Tora Bora region of Afghanistan in December 2001. It was followed by the move of Army and Frontier Corps (FC) troops in Shawal area of North and South Waziristan Agencies in June 2002. And finally, elimination of “No Go Areas” of Mohmand Agency was done in June 2003. This was followed by opening of accessible areas of Bajaur Agency by FC that marked the elimination of all erstwhile “No Go Areas” of FATA. Reciprocating the goodwill gestures of the tribesmen, the Government and the Army took no time to evolve a comprehensive developmental strategy for uplift of the area and to mitigate the sufferings and decades old deprivations of the tribesmen. Special fund of Rs 500 million was allocated to Pakistan Army for undertaking developmental activities for which it remained extensively engaged in development projects throughout the length and breadth of FATA. All uplift projects were meticulously planned with the prime objective of improving the socio-economic lot of the people of the tribal area. The development activities started with a big bang<sup>25</sup> and along with the

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<sup>24</sup> In the year 2005-06, in Afghanistan more than 150 journals, weeklies and newspapers were published in Pashtu and Dari. One dozen Pashtu journals are publishing from NWFP.

<sup>25</sup> In the Annual Development Program (ADP) for the outgoing fiscal year (2005-06), allocation for FATA had swelled to Rs. 5150 million. This money was in addition to the one allocated for the tribal areas under foreign funded projects. USAID

pacification measures initiated by the Governor NWFP and the Army in the area, were not welcomed by the tribesmen. These development activities included communication infrastructure, education, health, water supply schemes, energy sector, telecommunication, radio stations, agriculture, forests and fisheries, industries and technical education and, above all, political and judicial reforms. But again the major flaw in the implementation of all these developmental schemes was the imposition of development plans from above and through political administration and in this entire process common people and members of civil society were not taken into confidence. None of the Pakistani regimes in the recent past has ever considered developing the tribal areas in social terms. This has resulted in widening disparities between the tribal and settled parts of the country, for instance, regarding access to basic amenities of life. The International Crisis Group exposed government's tall claims of development in tribal areas in its report of 2006, which states:

FATA is one of Pakistan's most economically backward areas. Per capita income is half that of the very low national per capita income of \$500; some 60 per cent of the population lives below the national poverty line. Per capita public development expenditure is reportedly one third of the national average. Social development indicators are no less dismal. The overall literacy rate is 17.42 per cent compared to 56 per cent nationally. Male literacy is 29 per cent, female literacy 3 per cent compared to the national 32.6 per cent for females. For 3.1 million inhabitants, FATA has just 41 hospitals and a per doctor rate of 1:6,762 compared to the national 1:1,359.<sup>26</sup>

Development in tribal area requires drastic changes in the thinking of the policy makers and some analysts consider the absence of true tribal leadership in policy making as a major obstruction in achieving sustainable development in the tribal areas. To overcome the problem, the government created a FATA Secretariat. Still little progress has been made to achieve this objective, ultimately hampering the development process in the tribal areas. Even the intervention of Pakistan Army for development or otherwise, has been countered by growing insurgency and Talibanisation in South and North Waziristan Agencies, which is hampering positive change in the area.

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provided 4.7 million and Japan provided 2.5 million dollars for provision, improvement and streamlining education sector of FATA. See for more details *FATA: Progress and Development*, Media Cell, Governor Secretariat, Peshawar, March 2006, pp. 7,12.

<sup>26</sup> International Crisis Group, Asia Report: N.125, 11 December 2006, p. 9, quoted in *FATA Development Statistics 2005*, Bureau of Statistics, Planning and Development Department, Government of NWFP, Peshawar.

## **Conclusion**

With the crosscurrents of modernisation in tribal areas, new realities are stimulating some new thinking about an overall change in the prevailing administrative structure of the tribal areas. However, we have yet to create and raise a system of politics and administration, having indigenous modern democratic institutions, capable of meeting the emerging needs and demands of the time. The immediate concern for the developing state of Pakistan is to integrate various heterogeneous groups of people and nationalities in the fabric of one-single nationhood. It requires institution-building to ensure maximum participation of the people. The creation of these institutions reflects a nation's creative spirit and idealism to overcome the problems through their collective endeavours to establish an egalitarian society that is the ultimate aim of all modern states. Such institutions, however, do not spring automatically and will not necessarily emerge spontaneously from the traditional political culture, but in most of the developing countries, they need to be created consciously and deliberately.

There are reasons to believe that the tribal system needs to be replaced as a matter of urgent priority. These areas can no longer be maintained as hermit islands and guarded from the cool-breeze of democratic rights of universal appeal. It must be recognised that a social policy is thought to be barren, if it does not incorporate the unique insights and experiences from that social setting. Any future tribal policy must be built upon the capacities and insights of the tribal people. However, the dawn of a new era would start from a new historical relationship in which the tribesmen would themselves determine their future destiny. The confidence of the common tribesmen can be developed in order to encourage their rate of participation in managing their own affairs and to integrate tribal areas into NWFP. ■

## EVOLVING UNITED STATES POLICY TOWARDS THE CASPIAN REGION: A DELICATE BALANCE

Azeem Ibrahim\*

### Introduction: The Historic Picture

Historically, the United States had almost no involvement in the Caspian Sea region, which was so remote, both in geographical and cultural terms, that the US government was hardly aware of its existence. The 19th century 'Great Game' of power politicking between Russia and Great Britain over the region, took place before the United States had emerged as a world power, and it had at best a marginal role in this episode. Even when the United States became a major power, it focused its attention on the western hemisphere and events in its own backyard.

The same could not be said of the actions of Russia in Manchuria at the time, and United States involvement in the Manchurian dispute brought the realisation home to the Americans that in future, Russia would be its major rival on the world stage.<sup>1</sup> Even at times in the following century, when the two powers cooperated, such as during the Second World War, their alliance was based more on strategic needs than on deep-seated conviction. The wartime military cooperation soon gave way to the Cold War, which lasted for most of the rest of the 20th century and affected most corners of the globe. The Caspian region was heavily dominated by Russia, with most of its territories comprising Soviet Republics. American activity there was nonexistent.

The situation was different in the countries bordering the former Soviet states. However, Iran, which lies on the Caspian Sea and shares borders with the former Soviet republics of Azerbaijan and Turkmenistan, was targeted by the US as an ally against the Soviet Union at a fairly early juncture.<sup>2</sup> Russia retained a keen interest in Iran, despite the installation of the rightist regime in

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\* Ph.D. scholar at the University of Cambridge.

<sup>1</sup> Russia occupied Japanese-dominated Manchuria in 1901, an action that contributed to the outbreak of the Russo-Japanese War of 1904-05. The US President, Theodore Roosevelt, mediated at the postwar peace conference between Russia and the victorious Japanese, held in Portsmouth, New Hampshire.

<sup>2</sup> The 1953 coup in Iran that toppled the government of Mohammad Mossadegh and installed Shah Mohammad Reza Pahlavi was orchestrated by CIA and British intelligence. Oil exploitation in Iran had previously been controlled by a British company, which took the bulk of profits from this resource. Mossadegh nationalised the Anglo-Iranian Oil Company (AIOC) in 1951; a factor that contributed to the coup.

1953, and the country became one of the earliest sites of superpower rivalry. Then, in 1979, the overthrow of the Shah by the Ayatollahs and the siege of the US embassy in Tehran, destroyed the close relationship between Iran and the United States. This did not automatically give Soviet Union the upper hand because its invasion of Afghanistan alarmed and threatened Iran, and the new Islamist rulers were suspicious of Communism, with its atheistic overtones. In fact, Iran supported anti-Soviet guerrillas in Afghanistan. Still, the Ayatollahs did not cooperate openly with either Russia or the United States.

With the collapse of the Soviet Union in the early 1990s, the geopolitical map of the Caspian region changed drastically. The former Soviet republics of Turkmenistan, Kazakhstan, Tajikistan, Kyrgyzstan, Uzbekistan and Azerbaijan became independent and Russia's borders shrank back to levels unimaginable a decade earlier.

At the time, the American establishment took a number of views on how George H. W. Bush administration should react to the new regional power shift. The seismic events in the former Soviet Union were regarded by some as a potential threat to the US interests, and they cautioned the administration to tread carefully and not antagonise Russia by being too quick to form relationships with the newly independent countries of the region. In the event, the United States, perhaps understandably, focused more attention on the effects of the Soviet collapse in Russia and East and Central Europe than on Central Asia and the Caspian.<sup>3</sup>

The situation remained the same after the start of the Clinton presidency in 1993. However, unfolding events in the former Soviet empire, were closely monitored within America and many experts advised the US administration to adopt a proactive stance on the Caspian region, sooner rather than later. One commentator, Ariel Cohen, admonished the government because:

The Clinton Administration – intent on placating Moscow – has hesitated to take advantage of the strategic opportunity to secure US interests in the Caucasus. During the first term of the Clinton Administration, the Department of State and the National Security Council, neglected the Central Asian and Caucasian capitals, creating a policy vacuum for the region. This approach must change. US involvement in this region – and the economic growth, prosperity, and tolerance that would accompany it – can ensure access to oil and natural gas, as well

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<sup>3</sup> Amy Jaffe, "US Policy Towards the Caspian Region: Can the Wish-list be Realized?" *The Security of the Caspian Sea Region: SIPRI*, 6 January 2000, p.1.



as economic opportunity, for American businesses in coming decades.<sup>4</sup>

Once the dust raised by the Soviet collapse began to settle, the US did indeed begin to focus more attention on the Caspian, appointing a ‘special envoy’ to the region, organising reciprocal official visits and making encouraging statements on the importance of the region and developments there. More substantial measures included the NATO Partnership for Peace programmes, aimed at furthering military cooperation, the Cooperative Threat Reduction programme in 1991<sup>5</sup> and Foreign Military Financing programme, as well as democracy-building assistance, given under the Freedom Support Act 1992.<sup>6</sup>

### **A Delicate Balancing Act**

The new dispensation in the post-Soviet Caspian region may have provided new opportunities for American involvement, but in view of the fact that the newly independent states were still firmly in the Russian orbit, this involvement had the potential to incur the wrath of America’s erstwhile Cold War foe. Besides this, having so recently won their independence, the fledgling states were intent on guarding against any threat to their sovereignty, whether it came from America or anywhere else.

Involvement in the Caspian and Central Asian region would mean America had to contend with other players hoping to make their mark in the region, notably Turkey, Iran and Saudi Arabia. This was to say nothing about the European Union and China, who were formulating their own policies towards the area.

Complicating the issue, as it so often does in geopolitics, was the oil question. Estimates of the oil and gas reserves of the Caspian region, varied widely at the time, but it was apparent that they were substantial and hence gave the region a strategic importance that had to be factored into any US decision on its foreign policy stance. The idea was mooted that the Caspian oil industry could be developed to form a viable alternative to Gulf oil sources, hence ensuring better security of supply for those countries that depended heavily on Arab oil. Oil piped from the Caspian, would also relieve stress on the Gulf oil ports, through which much of Middle Eastern oil is transported

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<sup>4</sup> Ariel Cohen, “US Policy in the Caucasus and Central Asia: Building a New “Silk Road” to Economic Prosperity”. *Background # 1132*, The Heritage Foundation, 24 July 1997, <http://www.heritage.org/Research/RussiaandEurasia/BG1132.cfm>.

<sup>5</sup> The aims of this programme, enshrined in a formal Congressional Act in 1993, were to facilitate the safeguarding and elimination of nuclear and other weapons from the former Soviet Union, and to prevent the proliferation of weapons of mass destruction (WMD).

<sup>6</sup> Jaffe, *op. cit.*, pp. 1-2.

and which are vulnerable from environmental as well as security perspective. As scholars and diplomats debated, about thirty US companies took the lead and invested billions of dollars in the region, hoping to “strike it big”.<sup>7</sup>

Other major considerations for the US were the possible security benefits that might accrue from a presence in this strategically important region. Although the Cold War was over, Russia and America had not overcome their rivalry. While the states of the region were now ostensibly independent, the shadow of Russian domination still cast over them, and there were those in the United States, who felt their country should work to counter this. As one scholar noted:

US policymakers are becoming increasingly concerned about the possible re-emergence of a new Russian empire, and they realize that ready access to the rich oil and gas resources of this region could fuel such an expansion. A new Russian empire conceivably might seek to gain exclusive control over the region’s pipelines and limit US access.<sup>8</sup>

It was argued that not only should Russia be not permitted to reinvent the Soviet Empire, but China, with its ever-increasing economic and political muscle, should not be allowed too much power in the region. Furthermore, there was the threat of Islamic radicalism: America needed to prevent militant Islamism from moving “to turn Central Asia into its strategic rear”.<sup>9</sup>

American foreign policy in the Caspian region, therefore, needed to take all these things into account, with the ambition of not only forestalling Russian and Chinese ambitions in the area but also to help strengthen the worryingly weak states in the region. The Clinton Administration did in fact work “behind the scenes with mixed success to thwart foreign companies from joining Iran’s national oil company, NIOC, to construct energy export outlets via Iran”.<sup>10</sup>

The terrorist attacks on the United States on 11 September 2001, threw the issue into a new light, particularly with regard to the threat posed by radicals in this heavily Muslim, potentially unstable region. More than ever before, Americans felt they had to have meaningful contact with the Muslim world, of which the Caspian region is such an important part.

The time had come to take a look at the big picture of Caspian affairs, rather than, as in the past, looking at events on a case-to-case basis. Under this

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<sup>7</sup> *Ibid.*, p. 3.

<sup>8</sup> Cohen, *op. cit.*

<sup>9</sup> *Ibid.*

<sup>10</sup> For details, see F. Wallace Hays, “US Congress and the Caspian”, <http://www.ourworld.compuserve.com/HOMEPAGES/USAZERB/333.htm>.

approach, the policy focused on bilateral relations between the US and the individual regimes, regional developments such as the dispute between Armenia and Azerbaijan,<sup>11</sup> the relationship between Russia and the US, and that between Iran and the US. This approach makes sense in terms of domestic considerations, such as the strong US Armenian-American lobby, the demand for action against Iran on the grounds of its support for terrorist groups and its violent anti-American rhetoric; and the anti-Russian feeling that prompted Congressional opposition to the construction of pipelines through Iran, Afghanistan and Russia.<sup>12</sup> According to a member of the American House of Representatives:

The terrorist events of September 2001 brought a profound and lasting transformation to US policies and priorities toward the countries of Central Asia. Regions and nations that had been at the periphery of concern have taken on new importance because of the threat posed by terrorists and the states that sponsor them. Expanding US security engagement and cooperation with Central Asian States has been viewed as a key mechanism to promote their integration into Western political military institutions, encourage civilian control over militaries, and institutionalize cooperative relations with the United States military, while dissuading other parties – such as Russia and China – and threats to US national security – particularly Iran – from seeking to dominate the region.<sup>13</sup>

The 9/11 attacks also increased America's fear of nuclear proliferation. After the disintegration of the Soviet Union, the US, with the cooperation of Russia, had taken measures to put Soviet nuclear weapons and materials beyond use. Not all these weapons and materials were on Russian soil, however, and the possibility arose that they might be used by terrorists, belonging to numerous radical Islamist and nationalist movements.

As the Chairman of the House Subcommittee on Middle East and Central Asia, Ileana Ros-Lehtinen, pointed out:

Major US security interests have included the elimination of nuclear weapons remaining in Kazakhstan, for example, after the collapse of the Soviet bloc. There are active research reactors, uranium mines, milling facilities, and nuclear waste dumps in Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan, many of

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<sup>11</sup> The two countries have been at loggerheads over the territory of Nagorno-Karabakh.

<sup>12</sup> F. Wallace Hays, *op. cit.*

<sup>13</sup> Opening Statement of Hon. Ileana Ros-Lehtinen, Chair, Subcommittee on the Middle East and Central Asia Hearing: "U.S. Security Concerns in Central Asia", 26 October 2005,

<http://www.internationalrelations.house.gov/archives/109/ros102705.pdf>.

which reportedly remain inadequately protected. Kazakhstan and Uzbekistan reportedly had significant chemical and biological warfare facilities during the Soviet era. US efforts to dismantle chem-bio and nuclear facilities in the region to prevent terrorists from procuring these deadly weapons are a priority concern for this Subcommittee.<sup>14</sup>

The United States' view of the potential threat was summarised in a State Department advisory:

Elements and supporters of extremist groups present in Central Asia, including the Islamic Jihad Group, Al-Qaeda, the Islamic Movement of Uzbekistan (IMU), and the Eastern Turkistan Islamic Movement, have expressed anti-US sentiments in the past and have the capability to conduct terrorist operations in multiple countries. ... Previous terrorist attacks conducted in Central Asia have involved the use of improvised explosive devices and suicide bombers and have targeted public areas, such as markets, local government facilities, and the US and Israeli Embassies in Uzbekistan. In addition, hostage-takings and skirmishes have occurred near the Uzbek-Tajik-Kyrgyz border areas.<sup>15</sup>

Besides energy<sup>16</sup>, terrorism and geo-strategic considerations, the United States policy on the Caspian region in the post-Soviet era, has also been influenced by the political and social turbulence of the region, as well as its considerable economic problems. Although the governments in the region, have acquired some of the trappings of democracy, they are still largely authoritarian, with little tolerance for dissent.

As Charles H. Fairbanks, Jr., former Deputy Assistant Secretary of the US State Department, noted in 2001:

All the countries of the Caucasus and Central Asia now have parliaments, elected presidents, and (except Turkmenistan) multiple parties ... (However) the ruler is a powerful president who typically was the Communist first secretary during Soviet days. There is no effective power sharing, whether with

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<sup>14</sup> Ibid.

<sup>15</sup> Hearing before the Subcommittee on the Middle East and Central Asia, dated 27 October 2005.

[http://commdocs.house.gov/committees/intlrel/hfa24201.000/hfa24201\\_0f.htm](http://commdocs.house.gov/committees/intlrel/hfa24201.000/hfa24201_0f.htm).

<sup>16</sup> According to the US Department of Energy, "The Caspian Sea is developing into a significant oil and gas exporting area, and the Caucasus is a potentially major world oil transit center. Proven oil reserves for the entire Caspian region are estimated at 17-44 billion barrels, comparable to proven reserves in the North Sea (around 15-17 billion barrels). Natural gas reserves are larger, accounting for almost two-thirds of the region's total hydrocarbon reserves proved possible."

parliaments, local governments, or independent judiciaries ... While presidents and parliaments alike are chosen through multiparty elections, chicanery and vote-rigging are common. Parties other than successors to the Communist Party are mostly small and focused on personalities ... in abrupt contrast with the overly strong Soviet state, all the states in this group are weak or weakening; several have wavered in and out of the 'failed state' category.<sup>17</sup>

The US Department of Atomic Energy also views the Caspian region as an area of political tensions and regional conflicts,<sup>18</sup> not to mention considerable health and environmental threats<sup>19</sup> and enormous geographical constraints.

Into this complicated mix, must be added two other factors of growing importance to the United States: creating and maintaining good relationships with the Muslim World, encouraging "US-oriented regimes and open societies" and promoting the "well being of Turkey", an important US ally.<sup>20</sup> The deterioration in relations with the Muslim regions of the world, following America's use of force in Iraq, and its hard line diplomatic stance, have made it more crucial than ever that America gets closer to potential allies in the Muslim world.

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<sup>17</sup> Charles H. Fairbanks, Jr., "Ten Years after the Soviet Breakup: Disillusionment in the Caucasus and Central Asia," *Journal of Democracy*, Vol. 12, No.4, October 2001, the John Hopkins University Press.

<sup>18</sup> To quote the department's website: "In almost any direction, Caspian region export pipelines may be subjected to regional conflicts ... Numerous ethnic and religious groups reside in the Caspian Sea region, and continuing conflicts pose threats to both existing pipelines and those under construction. ... Afghanistan remains scarred and unstable after years of war. Negotiations to resolve the Azerbaijan-Armenia war ... have yet to make significant progress. Separatist conflicts in Abkhazia, South Ossetia, and Ajaria in Georgia flared in the mid-1990s... Russia's war with Chechnya has devastated the region around Grozny in southern Russia, and the September 2004 terrorist massacre in Beslan underlines the tenuous political situation in the Caspian region. The most significant problem with the Caspian Sea's oil and natural gas resources is the lack of an agreement among the five littoral states." <http://www.eia.doe.gov/emeu/cabs/Caspian/Background.html>.

<sup>19</sup> For a summary of these issues, see, <http://www.eia.doe.gov/emeu/cabs/Centasia/pdf.pdf>.

<sup>20</sup> Brenda Shaffer, "U.S. Policy Toward the Caspian Region: Recommendations for the Bush Administration", [http://bcsia.ksg.harvard.edu/BCSIA\\_content/documents/Brenda\\_Shaffer\\_Policy\\_Recommendations.pdf](http://bcsia.ksg.harvard.edu/BCSIA_content/documents/Brenda_Shaffer_Policy_Recommendations.pdf).

## Policy Objectives

A succinct summary of the US main objectives with regard to the Caspian region was given by Doug Bereuter, Chairman of the Subcommittee on Asia of the House of Representatives in 1998:

Stated US policy goals regarding energy resources in this region include fostering the independence of the States and their ties to the West; breaking Russia's monopoly over oil and gas transport routes; promoting Western energy security through diversified suppliers; encouraging the construction of east-west pipelines that do not transit Iran; and denying Iran dangerous leverage over the Central Asian economies.<sup>21</sup>

Congressman Howard L. Berman stated, somewhat disingenuously, that "American interests in the region are simply to ensure its progressive political and economic development and to prevent it from being under the thumb of any outside power, be it Russia or Iran."<sup>22</sup> He did not apparently regard the United States as an "outside power", or consider that America's attempts to keep other powers out, might be construed as dangerous interference in the region.

Clinton's Deputy Secretary of State Strobe Talbot, affirmed that the United States would "discourage any one country from gaining control over the region" and "urge all responsible States to cooperate in the exploitation of regional oil and other resources". The "any one country" was clearly Russia, which, despite the fall of the Soviet Union, still had an inordinate amount of power in the region.<sup>23</sup> Ambassador Richard L. Morningstar outlined the US objectives in the Caspian region in the following order:

- a. Strengthening the independence, sovereignty, and prosperity of the new Caspian states and encouraging political and economic reform;
- b. Mitigating regional conflicts by building economic linkages between the new states of the region.
- c. Bolstering the energy security of the US and our allies and the energy independence of the Caspian region by ensuring the free flow of oil and gas to the world market place.
- d. And, enhancing commercial opportunities for US companies.<sup>24</sup>

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<sup>21</sup> US Congress, 105<sup>th</sup> Congress, Second Session, Committee on International Relations, Hearing, US Interests in the Central Asian Republics, 12 February 1998, [http://commdocs.house.gov/committees/intrel/hfa48119.000/hfa48119\\_0f.htm](http://commdocs.house.gov/committees/intrel/hfa48119.000/hfa48119_0f.htm).

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> Testimony by Richard L. Morningstar, Special Advisor to the President and Secretary of State for Caspian Basin's Energy Diplomacy, before the Senate Subcommittee on International Economic Policy, Exports and Trade promotion, 3

The Ambassador's testimony indicated that America gave the highest priority to political considerations, even over economic ones, and that,

...the fundamental objective of the US policy in the Caspian is not simply to build oil and gas pipelines. Rather, it is to use those pipelines, which must be commercially viable and environmentally sustainable, as tools for establishing a political and economic framework that will strengthen regional cooperation and stability and encourage reform for the next several decades.<sup>25</sup>

The US Energy Department indicated that while the US had an interest in diversifying its sources of oil, the country's aims were much wider, centring on guaranteeing "the independence, sovereignty, and prosperity of the Newly Independent States of the Caspian Basin" and making sure that they would enjoy "unfettered access to world markets, without pressure or undue influence from regional powers". The commercial interest included "maximizing commercial opportunities for U.S. firms and for US and other foreign investment in the region's energy development".<sup>26</sup> Satisfying these objectives could be best achieved by promoting the construction of multiple export routes on the basis of commercial viability, rather than political considerations.

The United States' overwhelming interest was in making sure that the area was not dominated by Russia, for at the time the policy was formulated, it was understood that Russia was the only dominant power in the region. However, this did not imply excluding Russia, and the State Department was careful to make it clear that no containment doctrine was in place. The Assistant Secretary for Policy and International Affairs, thus, underlined in his testimony before Congress that:

Our Caspian policy is not intended to bypass or to thwart Russia ... We support continued Russian participation in Caspian production and transportation. We would also welcome their participation in the Eurasian corridor. US companies are working in partnership with Russian firms in the Caspian.<sup>27</sup>

Eliminating Russia from the area might lead to the ascendancy of other emergent powers, such as Iran or China, an outcome that the United

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March 1999,

<http://www.treemedia.com/cfrlibrary/library/policy/morningstar.html>.

<sup>25</sup> Ibid.

<sup>26</sup> Ibid. Statement of Robert W. Gee, Assistant Secretary of State for Policy and International Affairs, Department of Energy.

<sup>27</sup> Ibid.

States would view with concern. Why did the US policy statements underscore the necessity to support the sovereignty of the new states of the Caspian Sea region? An American scholar explains:

Russia and Iran historically have dominated the Caspian Sea region. Preventing the resurgence of aggressive Russian imperialism, especially in what used to be Russia's backyard in the 19th and 20th centuries, is strategically important to the United States. Russia may remain reasonably friendly and cooperative as a democracy, but this is unlikely to be the case if Russia chooses to reoccupy the southern Caucasus and Central Asia and coerce their peoples. Moscow, not Tbilisi or Baku, would gain from control of the area's impressive energy resources. Tehran appears interested in turning Uzbekistan, Kazakhstan, and other countries in the region into a market for both its goods and its ideology. Iranian domination would be likely to prevent the successful flow of oil to the West as well as the involvement of American companies in the economic development of the new Silk Road. An Iranian presence, like a Russian presence, would hinder the development of democracy and free markets throughout the Caucasus and Central Asia. Therefore, it is in the US national interest to see that Kazakhstan, Azerbaijan, Georgia, and other states maintain their sovereignty and territorial integrity. These countries stand to benefit from the development of oil and natural gas on their soil, which would make their peoples richer and their governments solvent. The United States should make every effort to support the sovereignty of the Eurasian states over their resources.<sup>28</sup>

While the US is not directly or even indirectly dependent on Caspian oil and, in fact, imports much of its oil from non-Middle Eastern sources, its economic performance is intricately connected with the state of energy supply in the international market. Events in and around the Caspian Basin, therefore, impact on the United States. The US policy towards this region, by implication, thus, has economic, as well as political and strategic, motivations.

As long ago as 1999, the Pentagon recognised the increasing strategic importance of the Caspian region by reassigning senior command authority over American forces in Central Asia from the Pacific Command to the Central Command. Although largely ignored by media, this move, described by Michael Klare as "a rare alteration of military geography", marked an important shift in American strategic thinking on Central Asia. As a remote outpost of Pacific Command, which is centred on Japan, it had received scant

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<sup>28</sup> Cohen, *op. cit.*



attention. But now the region came under the direct authority of the Central Command.<sup>29</sup>

The 9/11 attacks and ongoing conflict between the US-led western coalition and the Muslim world have enhanced the strategic significance of the Caspian region, which has a substantial Muslim population. This region, moreover, provides routes for drugs trafficking and light weapons proliferation, on which the United States is keen to crack down. Under the pretext of combating terrorism and fighting drug peddlers, the Pentagon has reportedly adopted plans to enhance its military presence in the Caspian Sea region and to increase its patrolling of the area. To complement the US military presence in the Persian Gulf, Afghanistan, and Central Asia,<sup>30</sup> the Pentagon has been showing an interest in gaining a foothold in Azerbaijan.<sup>31</sup>

### **Managing the Competition: Russia and Iran**

After Russia, Iran and China are regarded by the United States as the two states, whose interests are most likely to clash with its own objectives in the Caspian region. Russia, China and Iran are major players in the region and Central Asia, for geo-political as well as economic reasons, and while the United States has to accept their presence and role there, it regards them as major challengers to its own emerging interests in the region. While the US cannot exclude their interests and ambitions, it tries to manoeuvre its affairs in such a way that these states do not hamper American activities and goals in the area.

#### *Iran*

One of America's most implacable enemies, Iran has the potential to be a serious stumbling block for the US in the Caspian region, by thwarting US aspirations to ensure that the area's resources are not dominated by extra regional powers. Relations between the United States and Iran have been consistently poor, since the overthrow of the Shah and the installation of the Ayatollahs in 1979. The end of the Cold War did not change this situation, and in 1995, the US government under Clinton imposed sanctions on US economic activity in Iran. Through the Iran-Libya Sanctions Act (ILSA) in 1996, foreign countries were also dissuaded from making substantial

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<sup>29</sup> Michael T. Klare, "The New Geography of Conflict," *Foreign Affairs*, Vol. 80, No. 3, May-June 2001.

<sup>30</sup> The United States currently has military bases in Kyrgyzstan, but it was ordered out of its Uzbekistan base in 2005.

<sup>31</sup> The US has officially denied persistent rumours that it wishes to open a military base in Azerbaijan, and Azerbaijani President Ilham Aliyev is quoted as having said in December 2005: "I have said this before, and I repeat: 'Azerbaijan will not host American military bases on its territory'".  
[www.eurasianet.org/departments/insight/articles/eav091205ru.shtml](http://www.eurasianet.org/departments/insight/articles/eav091205ru.shtml).

investment in Iran. In 1997, a brief thaw in relations resulted in certain trade restrictions being lifted, with American companies allowed to export food and medical items to Iran. But sanctions on arms remained and the United States has made continued attempts to limit Iran's importance in the context of regional energy supply, notably in the area of pipeline planning and construction.<sup>32</sup> ILSA was extended in 2001 by the Bush Administration.<sup>33</sup>

America's hostile, isolationist stance towards Iran had its critics. They argued that Iran is the only stable country in the region, which can provide a secure export route for Caspian gas and oil. For instance, Frederick Starr, said in testimony to Congress:

The heaviest burden of the measures we are taking toward Iran fall disproportionately on Azerbaijan, Kazakhstan and Turkmenistan, for it prevents them from exporting their gas and oil by one of the obvious alternative routes to Russia, namely Iran. The US position has been to argue that this would not be in the Central Asians' own interest. None of our friends in the region agree.<sup>34</sup>

Starr also argued that

... the Iran-Russia relationship in the last six years has been a curious one. Neither has great assets of oil and gas in their area of the Caspian, and both have felt themselves under pressure

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<sup>32</sup> The logic was that the "Development of Iran's oil and gas industry and pipelines from the Caspian Basin south through Iran will seriously undercut the development of east-west infrastructure, and give Iran improper leverage over the economies of Caucasus and Central Asian States. Moreover, from an energy security point of view, it makes no sense to move yet more energy resources through the Persian Gulf, a potential major hot spot or chokepoint. From an economic standpoint, Iran competes with Turkmenistan for the lucrative Turkish gas market. Turkmenistan could provide the gas to build the pipeline, only to see itself displaced ultimately by Iran's own gas exports."

"Hearing on US Interests in the Central Asian Republics", House of Representatives, Subcommittee on Asia and the Pacific, Committee on International Relations, Washington DC,

[http://commdocs.house.gov/committees/intlrel/hfa48119.000/hfa48119\\_0f.htm](http://commdocs.house.gov/committees/intlrel/hfa48119.000/hfa48119_0f.htm).

<sup>33</sup> Congressional Research Service, The Library of Congress, *CRS Issue Brief for Congress*, Order Code IB93033, "Iran: Current Developments and US Policy", Updated 7 August, 2002, Kenneth Katzman Foreign Affairs, Defense, and Trade Division, <http://fpc.state.gov/documents/organization/12850.pdf>.

<sup>34</sup> Statement of Frederick Starr, Chairman of Central Asia Caucasus Institute, Paul H. Nitze School of Advanced International Studies of Johns Hopkins University, before the Senate Subcommittee on International Economic Policy, Exports and Trade promotion, 3 March 1999,

<http://www.agiweb.org/gap/legis106/caspian.html>.

from US policy. I think to that extent they have teamed up, the tie was created by us and not by events.<sup>35</sup>

American-Iranian relations have deteriorated under the administration of George W. Bush. The United States is highly critical of Iran's nuclear programme and is apprehensive of its efforts to build relationships with some of the other countries in the Caspian and Central Asia; relationships that could neutralise America's growing influence in the region.

Iran's growing ties with non-governmental groups in the region are also a source of major concern. Besides giving support to certain Islamic groups, branded as terrorists, Iran has, according to an American analyst, been increasing its activism in the states of the former Soviet Union. Ilan Berman asserts that Iran is making

... an effort to counterbalance and offset the expanded American military presence in the region through new energy contacts with countries, such as Georgia and Ukraine, and a more aggressive military profile in the Caspian Sea; training regional radicals, such as elements of the al-Qaeda affiliated Islamic Movement of Uzbekistan (IMU).<sup>36</sup>

Berman feels that "Over time, these initiatives will have an impact on Central Asia and the Caucasus in a way that will be deeply detrimental to ongoing US operations in Afghanistan and Iraq, and to larger American policy in the War on Terror." The American option, according to him, lies in

... 'regime change' ... initiatives that delay and derail Iran's nuclear ambitions and [through] those that empower opposition forces inside and outside of the Islamic Republic – should be the starting point for any serious American strategy.<sup>37</sup>

### *Russia*

America's relationship with Russia is far more nuanced than its overtly hostile one with Iran. Although the collapse of the Soviet Union and end of the Cold War, heralded an end to the open enmity between the two states, in the years since then, their relations have intermittently waxed and waned, alternating between cooperation, estrangement, rapprochement and indifference. Things have not always gone smoothly between Washington and Moscow since the Soviet collapse, but they do not regard each other as a real threat to their interests, and all three US presidents who have served since then, have kept in

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<sup>35</sup> Ibid.

<sup>36</sup> Ilan Berman, "US Foreign Policy Challenges Posed By Iran", Briefing before the House International Relations Committee Subcommittee on the Middle East and Central Asia, 18 October 2005, <http://www.afpc.org/BermanHIRCBriefing.pdf>.

<sup>37</sup> Ibid.

mind that “productive relations with Russia were one of the highest priorities of American foreign policy”.<sup>38</sup>

In the post-Soviet era the United States has extended a great deal of assistance to Russia, particularly with the goals of helping develop civil society, protect and dismantle nuclear installations and weapon systems, promote democracy and assist with its economic progression to a market economy.

Although much diminished since the Soviet days, Russia is still a major power that possesses considerable conventional military as well as nuclear power. American policy, thus, also aims to prevent the resurgence of Russia as a rival superpower, and one aspect of this is limiting its influence in the areas surrounding its borders. Since the Cold War, attempts have been made to get Russia to negotiate over arms control, as well as to participate in cooperative threat reduction programmes. While selectively cooperative, Russia has maintained a fiercely independent stance on issues such as NATO’s expansion to neighbouring states, separatist activity in Chechnya and other sensitive regions, American military actions in the Balkans, human rights issues in Russia itself and other contentious topics. One such point of disagreement is Russia’s response to regional conflicts in the Caucasus and its efforts to strengthen its control over Central Asia, efforts which have attracted strong condemnation from the US.

The slightly edgy relationship between the two former superpowers improved immeasurably after 9/11, when they formed a close alliance against extremist Islamic terrorism. Russia cooperated with the US during its military intervention in Afghanistan, and supported the closing of US bases in Central Asia to help with the Afghan campaign. The countries also cooperated on furthering energy security and nuclear issues, notably those concerning North Korea and Iran. According to a report by the Council on Foreign Relations,<sup>39</sup>

Moscow and Washington had never been closer in their reading of global dangers. The issues at the top of each side’s international agenda – Islamist terrorism, nuclear proliferation, and energy – seemed, for once, to be the same. And the United States, for a change, actively wanted Russia to join in meeting these threats, not merely to stay out of the way.<sup>40</sup>

However, it goes on to note that “there has been a swing of the pendulum in last couple of years and Russia has been increasingly concerned

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<sup>38</sup> “Russia’s Wrong Direction: What the United States Can and Should Do”, Independent Task Force Report No. 57, Council on Foreign Relations (CFR), 2006, [http://www.cfr.org/content/publications/attachments/Russia\\_TaskForce.pdf](http://www.cfr.org/content/publications/attachments/Russia_TaskForce.pdf).

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

about its loss of influence in the former Soviet space and is suspicious of American motivation.”<sup>41</sup>

Russian interference in regional affairs, particularly in the former Soviet space, has generated concerns in the US. But the scholarly community appears to be more in favour of dialogue and sympathetic understanding of the developments than raising an unnecessary hue and cry. As Eugene Rumer of the National Defence University says:

Russia’s pattern of behaviour towards her neighbours has been the other major area of recent criticism of Russian international behaviour ... Russian heavy-handed interference in its neighbours’ affairs is well documented. However, this is an area where once again Russian behaviour is more apt to be interpreted as a sign of weakness, rather than strength ... Perhaps, the biggest problem that Russia poses in relation to its neighbours is in the area of the so-called ‘frozen conflicts’ – in Abkhazia, Moldova, South Ossetia and Nagorno-Karabakh. Russian involvement with a number of these breakaway regimes is a long-standing irritant in Moscow’s relations with some of its neighbours, the United States and other countries. The dilemma facing US policymakers in this area is whether to confront Russia more forcefully or stay the course of patient, albeit unproductive dialogue. The balance of arguments appears to favour dialogue, though one that needs to be intensified if we are to achieve our stated objective of ‘unfreezing’ these conflicts.<sup>42</sup>

However, it is likely that the American policy will have as its ultimate goal the reduction of Russian control over the neighbouring area, including the Caspian Sea region.

## Conclusion

As the only incumbent global superpower, the United States’ over-arching foreign policy priority is to maintain status quo in the world. This implies that the United States must prevent other major powers from challenging its position or altering the status quo in a manner that would go against America’s perceived interests.

President George W. Bush came to power in 2001, with an overtly neo-conservative foreign policy outlook. His policies aimed at perpetuating America’s global hegemony. This outlook has been tempered somewhat in

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<sup>41</sup> Ibid.

<sup>42</sup> Prepared Statement, Subcommittee on Europe and Emerging Threats, Hearing on “Developments in US-Russia Relations”, 9 March 2005, by Eugene B. Rumer, Senior Fellow, Institute for National Strategic Studies, National Defense University, [http://www.ndu.edu/inss/Repository/Congressional\\_Testimony/20050309\\_INSS\\_Rumer\\_CongressionalTestimony.pdf](http://www.ndu.edu/inss/Repository/Congressional_Testimony/20050309_INSS_Rumer_CongressionalTestimony.pdf).

recent years, in response to complex problems and challenges, not least of which are the events of 9/11 and the war against terror. Despite this, and despite the fact that many in the United States do not support the neoconservative agenda, there is a determination on the part of most Americans to ensure that their country retains its position as the senior partner in world affairs. There is unanimity on this right across the political spectrum; the major difference between the liberals and the neo-conservatives centres not on the goal itself but on the methods by which the goal is achieved. Whereas the liberals prefer a multilateral approach, the neo-conservatives tend to be more unilateral in their approach.<sup>43</sup>

However, as the broad goals of US foreign policy will remain the same, whoever wins power in the next US election is unlikely to alter that country's strategy when it comes to the Caspian region.

The Caspian Basin/Central Asia has emerged from its status as a backwater as far as American goals and interests are concerned, to a crucial area for maintaining and advancing the United States' global hegemony. Other regional and global powers, including Russia, Iran and China, have interests in the region, and the US involvement in the Caspian gives America the opportunity to check the ambitions of these rivals. Important planks of US policy in the area are: constructive engagement with Russia with the ultimate goal of regulating its economic growth and its role in global energy politics; and containing Iran by attempting to isolate it internationally and preventing it from developing leverages in the Caspian region and ties with other powers such as Russia. As far as China is concerned, the US has been carefully monitoring the aggressive Chinese search for energy security, and tries to make use of Caspian and other energy sources to develop leverages against China.

The troubled circumstances prevailing in the small states of the Caspian region provide the United States with many opportunities to advance its goals there, whether these are in the areas of security, economic considerations or political and economic reforms.<sup>44</sup>

America has also made it a high priority to promote regional cooperation and integration, and the weakness of these countries will make it difficult for them to withstand American overtures. In fact, despite some serious setbacks in relations with the United States, such as the repercussions experienced by Uzbekistan after the Andijan incident in May 2005,<sup>45</sup> there are

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<sup>43</sup> The foreign policy approach of the Bush regime was outlined by President George Bush in Graduation Speech at West Point, United States Military Academy, New York, on 1 June, 2002, [www.whitehouse.gov/news/releases/2002/06/20020601-3.html](http://www.whitehouse.gov/news/releases/2002/06/20020601-3.html).

<sup>44</sup> For an up-to-date summary of stated US goals and activities in the region, see [www.state.gov/p/sca/rls/rm/2006/65292.htm](http://www.state.gov/p/sca/rls/rm/2006/65292.htm).

<sup>45</sup> In Andijan, a number of protesting civilians, alleged by the government to be Islamic extremists, were machine-gunned by Uzbek troops, on 13 May 2005. The

signs that some of the Central Asian countries are seeking closer ties with America in a possible attempt to reduce their reliance on Russia.

It is debatable whether the US will ever become the dominant player in the region, with so many contending powers and interests. However, it is unlikely that the United States will allow any other country or group of countries to gain the ascendancy either, in this strategically vital but volatile and unpredictable region. ■

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Tashkent government puts the death toll at 187, but other reports say it was much higher.