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## False Equivalency in the “Indo-Pakistan” Dispute

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In the wake of [India's hot pursuit of militants into Myanmar](#), Pakistan has raised numerous alarms about Indian aggression. It has issued [various warnings](#) that no such Indian incursion into Pakistan will be tolerated. As often happens in such circumstances, the international media has raised the tocsin of the potential for yet another “Indo-Pakistan” clash. Unfortunately, much of this coverage of the so-called India-Pakistan conflict is deeply problematic in that writers, perhaps with good intentions, seek to impose a false equivalence on both nations' conduct, giving the impression that India and Pakistan contribute equally to the fraught situation that currently exists.

This is dangerously untrue and feeds into a policy-process that has failed to come to terms with the most serious problem in South Asia: Pakistan. Such coverage also rewards Pakistan for its malfeasance by attributing blame to India in equal share and thus legitimizing Pakistan's ill-found grievances. The only parties who benefit from such an understanding of the “Indo-Pakistan” dispute are the Pakistan military and its terrorist proxies. One such article was published by the Washington Post on June 11 by [Tim Craig and Annie Gowen](#). In this essay, I seek to provide the necessary historical and empirical background that is required to make sense of the current situation. In doing so I directly challenge such writers as Craig and Gowen, among others, to devote more time to understanding the conflict dynamics before they inadvertently obfuscate the situation more than they illuminate it.

### Pakistan's Tired Kashmir Claims

As the article notes, the origins of the India-Pakistan dispute date back to 1947, when the two countries were tweezed out from the detritus of the British Raj. Pakistan's founders argued that Muslims of South Asia could never be safe and secure under a Hindu majority in a unified India and thus required a separate state after the British departed. [This was the crux of the so-called Two Nation Theory](#), which held that Muslims and Hindus are equal nations despite the fact that Muslims were far fewer in number. [The Two Nation Theory was deeply problematic from beginning](#). First, Muslims had lived under Hindu dominion in the past with no significant diminution of their basic freedoms. Second, as independence loomed, [many of the Muslims in what became West Pakistan did not want to join Pakistan in the first place](#). Third, during and after Partition, about [one third of South Asia's Muslims opted to remain in India rather than join Pakistan](#). Fourth, the [1971 secession of East Pakistan](#) based upon ethno-nationalist mobilization against West Pakistani oppression further undermined the notion that South Asian Muslim identity was a sufficient basis for nationhood. The [Two Nation Theory has remained the motivation](#) for Pakistan's claims upon Kashmir, without which Pakistan believes Partition can never be a complete process and the Two Nation Theory remains a dream deferred.

[Partition was conducted on the basis of geographical contiguity and Hindu-Muslim demographics](#). Three so-called Princely States — [Hyderabad, Junagarh, and Kashmir](#) — did not cast their lot with either of the new nations even though hundreds of other such states had done so. The Muslim sovereign of [Hyderabad](#), a large swathe of territory deep within India, governed a mostly Hindu population. He preferred to remain independent of either dominion. After a prolonged skirmish with the sovereign's own militia and their supporters, India forcibly annexed Hyderabad. [Junagarh](#), a Hindu majority state also deep within Indian territory, was governed by a Muslim who signed an instrument of

accession to Pakistan. [Pakistan initially refused to accept it](#) because it shared no border with Junagarh. In the end, Pakistan accepted the instrument, likely in hopes of using it as a bargaining chip for the prize: Kashmir. Kashmir's sovereign was a Hindu who presided over a Muslim majority population. While Kashmir was the only Muslim-majority state in the Raj, the polity was diverse and included Hindus, Sikhs, Buddhists and Muslim communities various sects of Sunnis and Shia. Kashmir's sovereign also sought independence. He signed a stand-still agreement with Pakistan to stave off military action while he dithered in casting his lot with either India or Pakistan.

Despite the standstill agreement, Pakistani militias from the tribal areas and what was then the North West Frontier Province mobilized to invade Kashmir in an effort to seize it for Pakistan. Although Pakistan is wont to insist that this was an uncoordinated assault without state support, Shuja Nawaz (a brother of a former Pakistani army chief) has mobilized materials from the Pakistan Army's archives to rubbish this claim. His work [shows the extensive national and provincial support these marauders enjoyed](#). As the "tribal raiders" made their way to Srinagar, where Kashmir's sovereign was located, he requested India's assistance in fending off the Pakistani invasion. India agreed to send in troops provided that Kashmir accede to India. [The sovereign signed the instrument of accession and India commenced the airlift of troops](#). India's logic was that it could not dispatch troops unless it was to defend its sovereign territory. (As [Whitehead explains](#), there is some question about when the signed instrument reached New Delhi. Pakistan for its part sometimes raises the canard that there was [no instrument at all, citing the fact that the instrument cannot be located](#).) Thus, India has a legal instrument of accession to the entirety of Kashmir. No amount of Pakistani protests nor revisionism can change this simple historical fact.

This invasion, [began by Pakistan, precipitated the first war between India and Pakistan](#). At the war's end, Pakistan had about one third of the territory and India held the remainder. India took the matter to the United Nations, hoping to get Pakistan declared as the aggressor. The United Nations undertook various efforts to resolve the affair. One of these efforts resulted in the [UN Security Council Resolution 47 of 1948](#). This resolution called for a plebiscite to be held in Kashmir to discern the will of the Kashmiris, a point that Pakistanis raise ceaselessly. Unfortunately, few Pakistanis or even journalists covering this region have bothered reading the text of the resolution. Even a cursory read demonstrates that the contemporary coverage of this dispute is factually impoverished.

This often-cited, but rarely consulted document, lays out two conditions that must be satisfied sequentially before the plebiscite was to be held. [First, the government of Pakistan was enjoined:](#)

*To secure the withdrawal from the State of Jammu and Kashmir of tribesmen and Pakistani nationals not normally resident therein who have entered the State for the purpose of fighting, and to prevent any intrusion into the State of such elements and any furnishing of material aid to those fighting in the State.*

[Second, when a UN commission was satisfied that](#) "that the tribesmen are withdrawing and that arrangements for the cessation of the fighting have become effective," India was to "put into operation in consultation with the Commission a plan for with-drawing their own forces from Jammu and Kashmir and reducing them progressively to the minimum strength required for the support of the civil power in the maintenance of law and order."

[Third, once these two sequential conditions were met, this plebiscite would be conducted](#).

Pakistan never met the first condition articulated in the resolution. Indeed, [from 1947 onward, Pakistan sustained low-level sabotage and terrorism activities in Kashmir. Pakistan started two more wars with India over Kashmir — one in 1965 and a second in 1999](#). Simply put: Pakistan's claims that India flagrantly disregards this resolution are grossly misleading.

The extent to which Pakistan goes to depict this conflict in explicitly fraudulent terms is evidenced by its own exposition of the Kashmir conflict and of the plebiscite's language that is available on the website for [Pakistan's Permanent Mission to the United Nations](#). Not only does Pakistan's official narrative make no mention of the

conditions detailed in the plebiscite, the history it provides clashes violently with the scholarly historical account of the conflict and with various documents available at the United Nations' own websites and those of the U.S. government. For example, it insists that it does not aid and abet the various terrorist groups fighting there. This is a canard that simply cannot be entertained credibly.

[Under the security of its expanding nuclear umbrella, Pakistan has sustained a lethal proxy war over Kashmir since 1989.](#) Kashmiris launched an indigenous insurrection that year in response to [Indian malfeasance in managing Kashmiri aspirations, including massive electoral fraud.](#) [Pakistan quickly mobilized battle-hardened militants who had fought against the Soviets in Afghanistan to Kashmir,](#) where they quickly worked to eliminate indigenous Kashmiri fighters who wanted independence. Since then Pakistan has used Deobandi and Salafi fighters who are indifferent to Kashmir's traditional Sufi moorings and who use violence in Kashmir and the rest of India to coerce India to make territorial concessions.

### **The Importance of Naming Victims and Perpetrators**

There is nothing equivalent about the actions of India and Pakistan in this dispute. Pakistan's role in supporting terror in India is well-documented. Numerous groups have been identified by the [United Nations Security Council](#), by the [U.S. Department of State](#) as well as the [European Union](#). Despite Pakistan's fondness for citing the sanctity of a bastardized account of Security Council resolutions pertaining to the plebiscite, it has outright disregarded the various UN designations of key terrorist groups such as Jamaat-ud-Dawa (previously known as Lashkar-e-Taiba) and its key leaders who freely roam about Pakistan and engage in public demonstrations on any number of issues.

As Craig and Gowen note, Pakistan claims that India supports a range of insurgent and terrorist groups operating in Pakistan. In the past, [there was speculation about Indian support to Baloch and Sindhi nationalists who have sought independence from Pakistan.](#) Hard evidence for Indian support for these militants remains elusive. However, the best scholarly assessment is that any Indian involvement in these activities cannot compare to the scope, scale or duration of Pakistan's support of non-state actors in India. Pakistan also alleges that India supports the various terrorists operating under the banner of the [Pakistani Taliban](#). Unfortunately, Craig and Gowen failed to note that, unlike Pakistani sustained support for terrorism in India (and Afghanistan) for which there is Himalayan mounds of evidence including that which has been gathered from U.S. intelligence sources, Pakistan has provided *no* support for its varied claims. Unlike India, which has captured or killed numerous Pakistanis engaging in terrorism in India, Pakistan has caught no such Indian infiltrators. Instead Pakistan is wont to assert that some of its terrorists are [not circumcised with the intention of intimating that they are Hindu.](#) It is a well-established fact however that the [Mehsuds \(a tribe in Pakistan's tribal areas\) do not circumcise and the ranks of the Pakistani Taliban are festooned with Mehsuds.](#)

Not only is the characterization of India and Pakistan as being equally culpable empirically incorrect, it contributes to the underlying problem: Pakistani behavior. After all, why does Pakistan do what it does? It seeks to continue focusing international attention upon Kashmir in hopes of sustaining legitimacy for its ill-founded claims to the territory. The position staked out by Craig and Gowen not only misleads the Washington Post's readership, it also rewards Pakistan for its various criminal enterprises.

### **The Most Recent Turn of Events**

Pakistan has been able to get away with relying upon Islamist militants to prosecute its policies with respect to India with impunity due to its nuclear weapons. (It should be noted that Pakistan has also supported terrorists and insurgents that are not Islamist. From the early 1980s to mid-1990s, it [supported Sikh terrorists](#) in the Punjab and it has had a long history of supporting ethno-nationalist militants in India's [north east](#).) However, Pakistan believes that its nuclear arsenal — inclusive of tactical nuclear weapons — makes [any Indian punitive action too risky because of the potential for escalation.](#) Pakistan also uses its nuclear weapons to [coerce the United States to intervene](#) in any crisis principally by putting pressure on India not to respond to any Pakistani-based terrorist outrage. This effectively shields Pakistan from the consequences of its own actions.

Curiously, all of the factors that allow Pakistan to use non-state actors to coerce India with impunity in principle should allow India to do the same. However, India has been remarkably constrained in the face of decades of Pakistani provocation. Incidentally, few media accounts of this dispute acknowledge this, including the piece by Craig and Gowen. After all, India's own nuclear arsenal, larger conventional capabilities, large economy, and more reputable standing in the comity of nations arguably position it to reciprocate in similar ways. Pakistan has no paucity of ethnic, sectarian, and socio-economic fissures that could be exploited by Indian covert operations and funds. Moreover, India enjoys much better ties with all of Pakistan's neighbors with the exception of China and could easily be more aggressive in using these neighboring states to return the favors that Pakistan has bestowed upon India since 1947. Yet it hasn't.

The reasons for this restraint are numerous. Perhaps the most important explanation stems from India's governance under the Congress Party. The Congress Party in recent decades preferred economic growth as a means of bolstering India's national power and international standing. The Congress Party avoided confrontation with Pakistan despite such outrages as the Pakistan-backed, multi-day assault on Mumbai in 2008 by Lashkar-e-Taiba. The Congress Party seemed to think its citizens could and indeed should endure such Pakistani-backed terrorism rather than confront it.

The current government under the Hindu-nationalist Bharatiya Janata Party (BJP) seems less insouciant about Pakistan's behavior and seems more inclined to find ways of punishing Pakistan for such outrages and deterring it in the future. The country's National Security Advisor, Ajit Doval, is a decorated veteran of India's intelligence community. This government, under Narendra Modi, responded very aggressively to shelling across the [international border in Kashmir in the fall of 2014](#). (This was also likely motivated by the elections in Kashmir held at the end of 2014). Moreover, Doval very provocatively warned the Pakistanis that if they conduct another attack like Mumbai, [Pakistan will lose Balochistan](#).

Last week, in response to militants killing 20 security personnel in [Manipur in India's northeast](#), India engaged in [hot pursuit into Myanmar](#). [It wasn't the first time it did so](#); but this time, India was very public about it. [Indian officials gave various press statements](#) that implied that the operation should be read as message to all terrorists and the states that harbor them that India will pursue threats across its borders if need be.

[Pakistan responded with alarm](#). After all, only one of India's neighbors deliberately harbors such terrorists who operate in India. Pakistan's leadership responded with nuclear saber rattling. As predicted, the regional and international media began raising the flag of alarm. Equally predictably, the United States asked [both India and Pakistan](#) to take steps to defuse the situation.

### **How to Prevent Future Conflict?**

If the United States wants to prevent future conflict, it should consider a very different approach to the South Asia region.

Admittedly, the problem with U.S. policy in South Asia is that it still is overly reliant upon Pakistan for its operations in Afghanistan and in support operations against al Qaeda and their allies in Pakistan's tribal areas. This policy has been flawed from first principles because [Pakistan has consistently undermined U.S. objectives in Afghanistan](#). The United States found itself in the peculiar position of being logistically dependent upon Pakistan to fight the war in Afghanistan, while Pakistan was working to undermine U.S. efforts there by continually supporting the Taliban. However, as the United States draws down its footprint in Afghanistan, it needs to radically rethink its policies towards South Asia. Below I identify several steps that the United States can consider as it re-optimizes its dependence upon Pakistan to sustain operations in Afghanistan.

First, rather than adopting milquetoast statements that imply that both states are equal contributors to the problems, it should insist that Pakistan is the primary problem. Accordingly Washington should be adamant that Pakistan must cease and desist its support for all terrorists operating in and from its territory, many of whom actually have killed

thousands of Americans and allied civilians and soldiers in Afghanistan. This demand is enshrined in numerous laws as a conditionality that must be satisfied before various kinds of aid can be given to Pakistan. [The United States has largely waived these conditionalities](#), which further signals to Pakistan that it can do whatever it wants without consequence.

Second, the United States must remove itself from Pakistan's coercion loop by declaring that it will not step into the conflict should a Pakistani terrorist group attack India in the future. Whether or not India responds with force should be India's choice, not that of the United States.

Third, the United States should reconsider how it discusses the issue of Kashmir. An unimpassioned reading of the history clearly suggests that Pakistan has no equities in this dispute. India has an instrument of accession. This does not mean that India's behavior in Kashmir has been acceptable. [It has not been](#). (Pakistan's own record in the part of Kashmir it governs [has also sustained severe criticism by human rights organizations](#).) However, the United States can best help the situation by viewing it as an internal issue and encouraging India to resolve it. Not only does Pakistan have no legal claim to the territory, its use of brutal terrorists to kill innocent civilians as well as military personnel deprive it of any moral claim. To this end, the United States should signal that it views the Line of Control, which divides the territory between parts administered by India and Pakistan, as an international border rather than a disputed boundary. It should begin working with the United Nations to make this a reality.

The best way of dealing with the various security challenges in South Asia is by being forthright in identifying them correctly and then adopting appropriate policy responses. Little good can come from denying reality in preference to more convenient narratives that hold India and Pakistan equally responsible for the dangerous situation that obtains in the region.

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