

INSTITUTE FOR ENERGY AND ENVIRONMENTAL RESEARCH

6935 Laurel Avenue, Suite 201 Takoma Park, MD 20912

Phone: (301) 270-5500 FAX: (301) 270-3029 e-mail: ieer@ieer.org http://www.ieer.org

KASHMIR, NUCLEAR WEAPONS AND PEACE

by Admiral L. Ramdas¹
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Having been through two and a half wars against Pakistan, and nothing to show for it, except lost friends, widows and orphaned children on both sides of the fence; the futility of wars as a means to resolve issues became increasingly clear. The reason for this failure is because a political issue needs a political solution and not a military one. Every meeting and every kind of interaction that I have had with people in both countries over the past eleven years has reinforced this demand.

It is a given that the context understanding of security issues is a socio-political one. But in turn it is now well recognized that insecurity also makes development difficult and at times impossible. The insecurity in Kashmir, which in turn is linked both to socio-economic difficulties in that region and distorted development and nuclear insecurities South Asia is a case in point. It is, moreover, a case that is connected to global security in a vital way both because of its connections to the questions of nuclear weapons and of the context of terrorism in the region.

Nuclear Weapons in South Asia

The decision to conduct nuclear tests at Pokhran on May 11, 1998, by the newly elected Bharatiya Janata Party (BJP) led government introduced a whole new dynamic in the already complex and confused situation prevailing between India and Pakistan. As was expected Pakistan also grabbed the opportunity to conduct its own nuclear tests at Chagai hills on May 28, 1998. Seen purely from a military point of view, by giving Pakistan this opportunity and excuse to test and prove out its nuclear arsenal, India enabled Pakistan to neutralize the conventional military superiority that India had always enjoyed until then. India and Pakistan have visited the edge of the nuclear precipice twice since that time - once when Pakistan, emboldened by its nuclear arsenal, launched its Operation in the Kargil sector of Kashmir, in April 1999. The second time was when an act terrorism at India's Parliament in December 2001 and other events led to an escalation of tensions between India and Pakistan. On both occasions, the good offices of the United States were needed to pull back India and Pakistan from the edge of nuclear tragedy.

Over the past three years, these difficult experiences have gradually begun to create an understanding that the Kashmir imbroglio could lead both countries to utter disaster and ruin. As

nuclear weapons states, India and Pakistan are recognizing that any ideas that they may have had of settling issues, and especially the Kashmir issue, by military means is out of the question. There has been progress in at least beginning to address the Kashmir issue through negotiations. Some background on the Kashmir question is useful in understanding how the issue is now being address and the potential for moving to resolve it.

The Kashmir Imbroglio

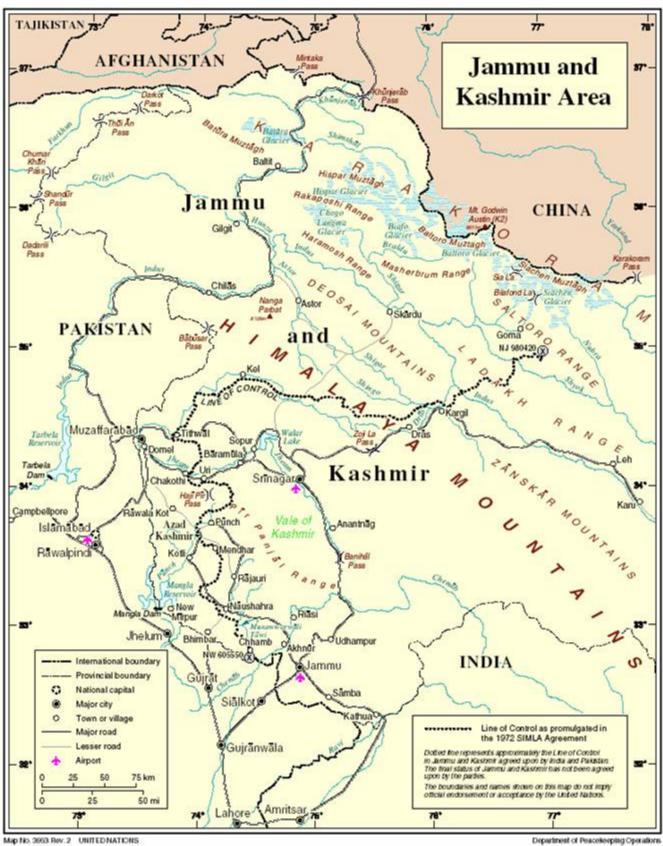
This extremely complex issue needs to be discussed with a full understanding of its genesis and after. For that reason the main headings that we shall address are:

- a. Genesis.
- b. Geographical and other statistics.
- c. The main players namely India, Pakistan and the people of Jammu and Kashmir.
- d. Sign posts for Peace a possible way ahead.

a. Genesis

The Historical Backdrop

British India was divided into India and Pakistan in 1947 as a part of the decolonization process. The eastern wing of Pakistan emerged as the new nation called Bangladesh in 1971. It was not the first time that the world witnessed the creation of new nation states and boundaries by the victors of wars or Imperial forces. The creation of Lebanon, Northern Ireland, Israel, and various nations in Africa, are other examples of this strategy. **The greatest tragedy was that the deciding feature of this division was based on religion.** It is to be noted that except for those who shifted within the provinces of Punjab and Bengal, only one in every twelve Muslims from the rest of India chose to go to Pakistan. This explains why **today India is the second largest Muslim country in the world after Indonesia.**



At the time of partition of the country the rulers of nearly five hundred odd princely states which were directly under the British, were advised to join either India or Pakistan, keeping in mind proximity, the demographic profile and other factors. Most states were integrated into either India or Pakistan. However there were a couple of states which had a problem. Hyderabad (Deccan), which was ruled by a Muslim Nizam had mainly a very large Hindu population, but geographically it was completely surrounded by India. Likewise the state of Jammu and Kashmir (J&K) had a Hindu Maharajah, but majority of its people were Muslims except that unlike Hyderabad (Deccan), both India and Pakistan had contiguous borders with it. Whilst both these states sat on the fence for quite a while before opting for India or Pakistan, the issue of Hyderabad was settled by a short and swift police action that resulted in Hyderabad's merger with India. Jammu and Kashmir was attacked by a large number of tribesmen supported by regular Pakistani troops in 1947/48 whilst the Maharajah sat on the fence. When Pakistani regulars and tribesmen were within gunshot of Srinagar the capital of J&K. the Maharajah sought India's assistance in exchange for acceding to India.

An extract from Mr. V.P Menon's book, *Integration of Indian States*, who was the Secretary in the Ministry of States, and who was mainly responsible in assisting the Home Minister Mr. Vallabhai Patel for the reunification of the princely states at the time, would be useful at this stage. (p 457/458). On return from an air dash made to Srinagar, on October 26, 1947, Mr. Menon writes

....and immediately on my arrival in Delhi I went straight to a meeting of the Defence Committee. I reported my impressions of the situation and pointed out the supreme necessity of saving Kashmir from the raiders. Lord Mountbatten said that it would be improper to move Indian troops to what was at the moment an independent country, as Kashmir had not yet decided to accede to either India or Pakistan. If it were true that the Maharajah was now anxious to accede to India, then Jammu and Kashmir would become part of Indian territory. This was the only basis on which Indian troops could be sent to the rescue of the State from further pillaging by aggressors. He further expressed the strong opinion that, in view of the composition of the population, accession should be conditional on the will of the people being ascertained by a plebiscite after the raiders had been driven out of the State and law and order had been restored. This was readily agreed to by Nehru and other ministers.

Soon after the meeting of the Defence Committee I flew to Jammu accompanied by Mahajan.....the Maharajah was asleep; he had left Srinagar the previous evening and had been driving all night, I woke him up and told him what had happened at the Defence Committee meeting. He was ready to accede at once. He then composed a letter to the Governor General describing the pitiable plight of the State and reiterating his request for military help. He further informed the Governor- General that it was his intention to set up an interim government at once and to ask Sheikh Abdulla to carry the responsibilities in this emergency with Mehr Chand Mahajan as his Prime Minister. He concluded by saying that if the State was to be saved, immediate assistance must be available at Srinagar. He also signed the Instrument of Accession.

The case was taken to the United Nations by the Government of India, that resulted in a ceasefire. The United Nations also directed that Pakistan must vacate all its troops and raiders from areas under its control, and India should do likewise except for retaining the minimum number of troops required for maintaining law and order in the State Except for the creation of the cease fire line which later became the Line of Control after the Simla Agreement in 1972. This line has despite two and a half wars, more or less remained the same. One part to the west and north is under Pakistani control and the eastern part including the valley is in India's control. Pakistan's attempt to integrate the erstwhile state of Jammu and Kashmir by force in 1947, 1965, 1999 (Kargil) failed each time, and this has left the issue unresolved to this day which has been the primary cause for conflicts between the two countries.

b. Geographical and other Statistics of Jammu and Kashmir

Population: 2001: Indian Side: 10 million.

□ □ □ Kashmir 52.4%, Jammu 45.4% and Ladakh 2.2 %.

Religious Distribution: Muslims 64.2%, Hindus 32.2% and others 3.6%

| Area: 222,236 square kilometers. This was the situation in 1947. This included Aksai Chin now under Chinese control: Kashmir 10 %, Jammu 14.4%, Frontier Districts 75.6%. |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Population: 1941 census: 4.02 million, 77% Muslim and 22% Hindu 2001 census Indian side only- 10 million |
| Post Cease Fire Line 1949 - Territory and Population Pakistan Occupied Territory: 37.4 % of area and 28% of the population China: Aksai Chin with 16.9 % area and almost negligible population. It came under Chinese rule in the fifties. In 1963 Pakistan ceded to China another 2.33% land claimed by India. |
| Present Distribution. ☐ ☐ Area: India 45.62%; Pakistan 35.15 % and China 19.23%. |
| ☐ India: Area: Kashmir 15.8%, Jammu 25.9%, Ladakh 58.3% |

Regional distribution in terms of religion: Muslims: Kashmir 95%, Jammu 30%, Ladakh 46%.

Pakistan: 78,114 sq Kilometers, 83% in Northern areas (Gilgit, Baltistan and some principalities) whilst 17 % is in (POK) or (AJK). Almost all are Muslims with about 15% being non sunni.

c. The Cast - India, Pakistan and the people of Jammu and Kashmir

We have already discussed the development and the origins of the Jammu and Kashmir issue. Whilst both India and Pakistan have their own vested interests in securing the valley for their perceived security considerations, they have forgotten the main issue namely, the need for the people of Jammu and Kashmir to have their own say in the matter. All this could have been easily resolved if only Pakistan had started the process as outlined by the U.N. and withdrawn its troops and vacated the areas of Jammu and Kashmir occupied by it. This would have led to the promised plebiscite / referendum which would and should have been achieved by 1950. Alas there has hardly been any progress on this front despite five and a half decades of confrontation and two and a half wars!

Pakistan: The strongest point in Pakistan's favor is the fact that the majority of inhabitants in J&K are all Muslims. However this alone is not strong enough an argument to justify its claim; for today there are more Muslims in India than there are in Pakistan. The secession of East Pakistan, currently the independent nation of Bangladesh in 1971 despite its almost 99% Muslim population is a case in point.

The security considerations of Pakistan were:

- a. If the whole of Kashmir including POK were to go to India then it would pose a direct threat to Pakistan's North West Frontier and Pakistani Punjab. On the other hand if Pakistan had the whole of Kashmir it could threaten Indian Punjab.
- b. From the resource point of view all the three great rivers which were allocated to Pakistan flow through J&K into Pakistan and therefore of great strategic importance.

Pakistan has two other reasons one legal and the other political. Its legal contention is that the accession was invalid for several reasons. Firstly that the Azad Jammu and Kashmir Government had been declared before the accession, secondly the accession was conditional, thirdly it was a violation of the "Standstill Agreement" the state had signed with Pakistan and fourthly that India's dealings with the state from the beginning of Mountbatten's viceroyalty had been one of fraud.

The political argument is that a Hindu Maharajah with an overwhelming Muslim population of nearly 77 percent and with a contiguous border with Pakistan had no right to accede to India. There are almost parallel situations in Hyderabad (Deccan) and Junagadh, except that both nations did not have contiguous borders as is the case with Jammu and Kashmir. The last point is that the wishes of the people had not been ascertained by an internationally acceptable method.

India: India has often repeated the claim that the whole of Jammu and Kashmir is an integral part of India. India's stand is also based on two issues, one legal the other political. The legal one

is that the state of Jammu and Kashmir represented by the Maharajah acceded to the Union of India, and that India, had met the commitment that it had made to get the concurrence of the people to accession, when the state assembly which was duly elected by adult franchise in 1951 gave its assent to the accession. Further the 1957 constitution of J&K enacted by the State's Constituent Assembly has made it an integral part of India.

The Kashmiri People:

The unfortunate people of J&K have been the victims of this cruel drama being enacted by both Pakistan and India for far too long. With Pakistan on one side and India at the other, between them they have turned the Kashmiri people into the Filling in the sandwich! The two countries are still focused on territory and therefore treat it more as a real estate problem rather than a human one.

The continuing confrontations between India and Pakistan extending from open wars to Jihad and cross border terrorism have had their toll on Kashmiri life and psyche. Pakistan has tried every trick in the book to secure Kashmir. It has become an obsession with it and having made no progress till now, frustration seems to have set in. The one result is that it whips up passions both within and outside Pakistan. It seems to have realized at last, that the dialogue process may be a strategy worth exploring.

India on the other hand, has not been very good about keeping its promises to the people and the Government of J&K. Starting with the very special status agreed to at the time of accession regarding autonomy in all matters except for foreign affairs, defense, communications and currency, the Indian side has over the years chiseled away most of these guarantees. To add insult to injury the "Lion of Kashmir" and Prime Minister of J&K, Sheikh Abdullah was kept in custody for a total of almost twenty one years! Sheikh Abdullah, who was the best recognized leader of the Kashmiri people at the time of partition had favored the idea of an autonomous Kashmir within a democratic India. His imprisonment so soon after the accession of Kashmir to India was a sad commentary on India's style of governance and functioning at that time. It also demonstrated a complete lack of understanding and insensitivity to the honor and dignity of an individual, indeed the entire people of Kashmir.

Many things have happened since and the State has been fully integrated with India under the Indian Constitution; although mercifully the relevant Article still permitting autonomy to the State has been retained. As a part of the statement issued after the Islamabad summit in 2004, and later, there has been some development in involving the Kashmiri people in a dialogue with the Indian government. However the challenge before all the players is to find a solution that will be a win - win outcome for all.

Initiatives for peace were taken despite the setbacks due to the min-war over Kargil in 1999, resulting in the Agra summit between General Musharraf and Prime Minister Vajpayee in June 2001. Then the events of 9/11 and other developments changed the global security picture. The U.S. presence in the region was suddenly much larger. And the role of the region in global security was much heightened as the issue of terrorism took center stage.

It was in this context that, despite the dastardly attack by militants on the Indian Parliament in Dec 2001, and the subsequent face off for nearly ten months, including a tense nuclear confrontation in 2002, good sense prevailed. It resulted in the joint statement made in 2004 by both Gen Musharraf and Prime Minister Vajpayee to resume the composite dialogue, and General Musharraf gave the assurance that he will not permit use of any territory under Pakistani control to be used for cross border terrorism.

One has had to pick up the strings from where they left off, including linking the Simla Agreement, and that has set the agenda for the composite dialogue that is currently on. It is to the credit of the Congress led coalition government in India that they decided to continue with the policy of peace making keeping in mind the larger interests of the country and region as a whole.

A significant impetus has been given to the peace talks by the sustained efforts of civil society groups like the Pakistan India Peoples Forum for Peace and Democracy (PIPFPD), India-Pakistan Soldiers' Initiative for Peace (IPSI) and others who have all these years championed the cause of people to people contact. At first, this strategy was resented in the early years by the governments, but their attitude has changed dramatically since. Indeed they are the ones who are echoing the same slogan these days. This is sweet music to the ears of many of us who have been in this mode for over a decade! Whilst I write, there are no signs or indications for a settlement of the Kashmir question. The Pakistanis are complaining that India is dragging its feet. However a problem which has remained as a part of this region's post independence existence can hardly be expected to be resolved so quickly! Whilst on the subject there was a plan that the author had put forward in an article in the Indian news paper Hindu titled "Sign Posts for peace in South Asia" which will now be discussed here.

d. Sign Posts for Peace²

Many attempts have been made to craft out peace between the two warring nations, and to resolve the Kashmir imbroglio. However there have been many formulas and suggestions put forward to solve this riddle by innumerable groups and think tanks, and perhaps one or more or a combination of many plans may well provide the terminal answer. My own view is that the approach must recognize that there are three parties to the issue: Pakistan, India, and the people of Kashmir. For the first time, there are the seeds of hope that that will be recognized sufficiently to allow a solution to develop and mature for all three of them.

The elements that would pave the way for resolving these long-festering issues could be as follows, keeping in mind the history of the various agreements that India and Pakistan have signed or almost signed, but have so far failed to implement. The approach also factors in the new and overwhelming reality in South Asia - that the acquiring by India and Pakistan of nuclear arsenals means the threats of conventional and nuclear war are now inextricably linked. If Indian and Pakistani leaders want peace, which is more than the absence of war, resolving the issues of the relationships between the people and in the communities within countries with equality, tolerance and friendship is necessary for a sustained peace. A military solution is not possible. And military temptations must be removed so that the people of the subcontinent, including the people of Kashmir, are not living under a constant nuclear shadow. The nuclear reality means that India and Pakistan must understand the ground reality of a *de facto* partition of the erstwhile

State of Jammu and Kashmir by the acceptance of the Line of Control (LoC) as the international border between the two countries.

Pakistan has pledged to stop the infiltration into Kashmir permanently. This will require monitoring. India has proposed a joint patrolling of the border. This has not been agreed to by Pakistan. The situation is further complicated by India's `allergy' to any big power/third party interference in the Kashmir question. However, a substantial role is already being played by the United States and others in facilitating a communication between the leadership of the two countries. It is therefore proposed that a force drawn from among the members of the South Asian Association for Regional Cooperation (SAARC) under a mutually agreed leadership could provide the necessary compromise for the monitoring to be established. India and Pakistan are both members of this group. The 2004 meeting of SAARC was productive in terms of being the venue for Indo-Pak discussions on regional security questions. The SAARC force could be provided with technical data gathered by other countries, including the U.S., to better perform its duties. India and Pakistan have already taken some vital steps to showing goodwill. India and begun to reduce its forces along the LoC in Kashmir and Pakistan has made substantial efforts at curbing cross-border infiltration. The first steps towards restoring all communication links including road, rail and air traffic between the two countries, have been taken. Bus serve is to begin between the two sectors of Kashmir and also between Indian Punjab and Pakistani Punjab.

Central to any solution to the "Kashmir problem" must be a process of ascertaining the wishes of the people of the entire erstwhile State of Jammu and Kashmir, keeping in mind the ground realities of the *de facto* partition of the State.

To facilitate the emergence of peace in the region as early as possible, the following process as a via media could be considered: First, Kashmiris on both sides of the border should be given the choice of being the citizens of either India or Pakistan, and, if they want to move from one side to another, be given the opportunity to do so in peace and security. To implement this, both countries should agree to some form of international supervision. This role could be performed by a SAARC monitoring team as proposed earlier. Second, the people displaced from their lands and homes by the current conflict, such as the Kashmiri Pandits, should be allowed to return in peace and security. Third, the border between India and Pakistan in Kashmir should be kept porous to enable Kashmiris on both sides to cross it for personal, family and business reasons without too many hassles. The inauguration of bus service between Srinagar on the Indian-held side and Muzaffarabad on the Pakistan-held side is the first major, if still tentative, step in this direction.

Both countries should reaffirm the pledges to negotiate all outstanding issues between them peacefully and not resort to war, proxy or otherwise. This formulation should meet the concerns of the two countries adequately. This means, first of all, a ceasefire along the LoC. Pakistan should agree to a policy of no-first-use of nuclear weapons, which India has already adopted. This is the equivalent of a nuclear ceasefire. India and Pakistan could tap their best and deepest traditions and not only avert war but make a real peace between themselves. They could verifiably de-alert all nuclear weapons with bilateral or SAARC monitoring and, in that context, invite all other nuclear weapons states to do the same and together take up leadership in the cause of global nuclear disarmament. A conventional ceasefire and stopping of cross border

infiltration are necessities to address the Kashmir issue. But they can also provide the basis for a regional nuclear ceasefire that would improve the security of all and possibly provide a catalyst for positive global action at a time when proliferation and disarmament trends have become negative in the main.

Only sustained peace can lift the clouds of war and the threat of nuclear incineration of South Asia. At the dawn of the nuclear age, Albert Einstein called on humanity to develop a new way of thinking or perish. Leaders in the West have recklessly failed to heed that warning and remain on the edge of a nuclear abyss, with the U.S. and Russia maintaining between them more than 4,000 nuclear warheads on hair-trigger alert, though they claim to be friends and at peace.

At a 2002 workshop 'Initiative for Peace - Focus on Kashmir' at the United World College in Singapore, 40 young people from India and Pakistan came together for a week, and agreed on an inspiring Statement of Common Ground. The final paragraph of the statement reads: "We believe that we have the power to make this generation and the generations to come, the best ever in the history of humanity, or the worst. The choice is entirely ours; we have made the choice for a better and peaceful world." This, rather than the perpetual state of quasi-war that the countries are now maintaining, would befit the region that gave the world Badshah Khan and Mohandas Karamchand Gandhi and the most unique freedom movement the world has known.

This approach may not sound too palatable especially to Pakistan as it would tantamount to accepting the 'Status Quo', but there is very little room for anything else which is likely to work. The Kashmiris are also likely to accept it, because the return of peace to the valley will benefit their own economy and freedom of action immensely. The funds released by the withdrawal of forces which is inevitable, can be ploughed back for the most urgently needed socio economic development programmes on both sides. Minor adjustments could be made to this plan to arrive at a win - win situation for all.

The criticism that can be levied against the plan is that a referendum has not been held. Clearly that has lost almost all meaning as much water has flown under the bridge since 1949. Moreover by providing the space and choice for those Kashmiris who are philosophically and / or ideologically inclined to opt for living in Pakistan controlled Kashmir, the plan does cater for implementing the wishes of the people. The porous border will compensate for the division. Unlike the situation faced by the Indian people as a whole in 1947 at the time of partition where two separate communities and religious sections were involved, which in turn led to mass killings at the time of migration; the mechanism envisaged here is not likely to pose a similar challenge as it involves only Muslims.

There may be objection to the partition of J&K as Indian Kashmir and Pakistani Kashmir. That is precisely what happened to Punjab and Bengal and the people of undivided India were never consulted nor given an option to choose before the creation of the two halves. The decision was arbitrary and the line separating the two countries were drawn by Sir Cyril Radcliff. In this case at least there is and has been a line of sorts dividing the two halves for almost half a century (the CFL and later the LOC). Psychologically therefore, this formulation should be easier for the Kashmiris to digest. In addition the provision for a porous border, permitting easy movement of peoples should also help.

The "Ramu Plan" described above has been received fairly well in most quarters. It is only, the Pakistani camp that is a little shy to accept the LOC as the International border. A little more flexibility would be required on the part of Pakistan. yet, given the realities on the ground and the need for economic development as well as the imperatives to remove any incentives or support that could lead to terrorism, Pakistan may finally agree depending on the dialogue process and world opinion, though they would probably want this line/ border, to be pushed somewhat eastward if possible. These are issues that are likely to be discussed in greater detail in the ongoing official dialogue.

The Nuclear Overlay

Ever since Hiroshima and Nagasaki were bombed by the United States in August 1945, no **explosive** nuclear weapons have been deployed in battle. But many innocent civilians all over the world have been exposed to sizeable doses of radiation by either working in Uranium mines, or due to atmospheric fallout after nuclear testing or by just living in the neighborhood of reprocessing plants, or weapons complexes or exposure due to leaks and accidents causing slow death - normally cancer and other health problems. Proliferation, has continued, though it was slowed by the Nuclear Non-Proliferation Treaty. Neither India nor Pakistan (nor Israel) are parties to this treaty, which is now under some stress.

One direction of stress has come from the proliferation network of Dr A Q Khan of Pakistan. There is real concern all over the world about any other agencies besides Iran, Libya and North Korea to whom the technology transfer may have been effected. Even now this threat still persists and only a full exposure of all the activities Dr AQ Khan will help solve the mystery. We have just seen North Korea pulling out of the NPT and declaring that it has nuclear weapons. In the United States the nuclear establishment continues to press for the development of next generation weapons. The horizontal proliferation threats of more countries going nuclear and of potential nuclear terrorism are linked to the desire of existing nuclear states to hold on to their arsenals. So long as these weapons exist they shall continue to be a grave danger to humankind. A way to their elimination is needed both to remove the grave dangers that existing arsenals pose and also to stave off further proliferation.

A series of steps are needed to reduce nuclear dangers in the short term as part of creating a way to eliminating nuclear weapons:

- Full accounting of nuclear materials by all nuclear weapons states, whether they parties to the NPT or not;
- De-alerting of all nuclear weapons and the creation of a process for the verification of dealerting.
- Direct dialog among the nuclear weapons states to reduce nuclear weapon dangers and to find a way for all nuclear weapons states to find a method that will converge towards the fulfillment of Article VI of the NPT as interpreted by the World Court advisory opinion of 1996, which stated that the nuclear parties to the NPT are obliged to actually achieve the elimination of nuclear weapons.

As a practical matter, India, Pakistan and Israel are not going to join the NPT as non-nuclear states and they are not going to be invited to join as nuclear states. Parallel paths to dealerting and a nuclear ceasefire among the non-parties to the NPT and dealerting by weapon-states parties to the NPT could be created by a direct global dialog between the nuclear weapon states. India-Pakistan tensions and wars over Kashmir and their nuclear crises in more recent times have shown in practical terms the dangers of allowing conventional security crises, lack of development, and terrorism/militancy to fester. The dialog and the practical steps towards peace between India and Pakistan, centered on putting the people into contact with each other again and on addressing the Kashmir issue with realism and with respect for the people of Kashmir shine a light in a different direction. With some vision and some patience and practicality, that light might not only illuminate a road to peace between India and Pakistan but also to the elimination of global nuclear arsenals, which the world has lived with for too long.

Endnotes:

- 1. Admiral Ramdas (retired) was Chief of the Indian Navy from 1990 to 1993. This is the summary of a paper prepared as part of the Gandhi Fellows program of the Institute for Energy and Environmental Research in Takoma Park, Maryland.
- 2. Parts of this section are taken or adapted from L. Ramdas, "Signposts for Peace in South Asia," op ed in The Hindu, 18 July 2002.