

ISSN 0974 – 2514

**INTERNATIONAL JOURNAL OF
SOUTH ASIAN STUDIES**
A Biannual Journal of South Asian Studies

Vol. 5

July – December 2012

No. 2

Editor

Prof. Mohanan B Pillai



SOCIETY FOR SOUTH ASIAN STUDIES
UNESCO MADANJEET SINGH INSTITUTE OF SOUTH ASIA
REGIONAL CO-OPERATION (UMISARC)
PONDICHERRY UNIVERSITY
PUDUCHERRY, INDIA



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Articles

Shifting Dimensions of State Sovereignty: Issues and Trends

M J Vinod

Abstract

In its broadest sense the concept of sovereignty has to do with the capacity of a state to assert and successfully exert exclusive control over a territory and its population. The impact of globalisation on the sovereignty, autonomy and competence of the nation-state is significant. Globalisation is neither uniform nor homogenous, but has clearly increased the levels of the economic and social interactions. Though globalisation has had a long history, its present manifestation is different in terms of form and intensity. In terms of theoretical conceptualisation, there is need for a conceptual rethinking of the hardcore classical absolute meaning of sovereignty. This needs to be balanced up by accommodating some of the arguments of the integration and convergence theorists, who emphasise the dynamics of the contemporary interdependent globalised world. This would mean a shift away from an indivisible to a divisible notion of sovereignty. The best way to perceive sovereignty is in terms of degrees of sovereignty as globalisation has changed the context in which state functions are exercised. Sovereignty is being reconstructed and readapted, rather than being eroded.

Introduction

In its broadest sense the concept of sovereignty has to do with the capacity of a state to assert and successfully exert exclusive control over a territory and its population. Though the state may claim unlimited authority within a given territory, its actual exercise is limited by the 'purposes' of government and by the 'actual capacity' of the state. The debate on sovereignty and its source of legitimacy is also central to the positioning of constitutional rights. The impact of globalisation on the sovereignty, autonomy and competence of the nation-state is significant. Globalisation is neither uniform nor homogenous, but has clearly increased the levels of the economic and social interactions. Though globalisation has had a long history, its present manifestation is different in terms of form and intensity. In the words of David Held: "Contemporary globalisation represents the beginning of a new epoch in human affairs... as profound as the impact of the Industrial Revolution and the global empires of the 19th century".¹

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In recent years the perception has been that states have experienced an erosion of sovereignty. In a globalised world what is required is a theoretically coherent concept of sovereignty. One wonders whether such a conception of sovereignty can be consistent with history and also subject to empirical analysis. Sovereign states are assumed to have a certain degree of control over both their borders and their territory. Challenges to state sovereignty have come from a variety of sources. The modern states find their traditional powers undermined. Nation-states can no longer maintain full employment, sustain economic growth and preserve reformist welfare policies. Contemporary trends suggest that the sovereign state is undergoing unprecedented stress, primarily because of globalisation and the evolving international regimes and norms, especially those to do with human rights, environment, trade and the nuclear regime. Sovereignty may not have been fully eroded, though it is being effectively challenged from a variety of fronts. States increasingly exercise sovereignty in the multilateral context. At no time have states exercised unlimited control over all activities within the boundaries of a state, and all forms of exchanges across borders.

David Held suggests that globalisation is a product of the expansion of the global economy, expansion of transnational linkages between economic units creating new forms of collective decision making, development of inter-governmental and quasi-supranational institutions, intensification of transnational communications, and creation of new regional and military orders.² In this context, three major questions need to be raised and addressed:

1. In a globalised world with multiple state actors, private and/or public that influence national legislations and public policy, can we still assume that the state is sovereign?
2. What is the relationship between globalisation and state sovereignty?
3. Can globalisation and sovereignty co-exist peacefully?

This paper will attempt to answer some of these questions.

The Theoretical Dimensions of Sovereignty

Theoretically three important dimensions of sovereignty can be highlighted;

1. ***Sovereignty as Legitimacy*** i.e., the institution of sovereignty is widely accepted among states as legitimate. States would have to internalise the rules of noninterference. Hence

respecting the rules of noninterference reflects a scenario of states pursuing their interests. Sovereignty is projected as a legitimated norm.

2. ***Sovereignty as Self-Interest*** i.e., respect for sovereignty may be widespread since states do not generally find violation to be in their self-interest. This broadly reflects the crux of the neoliberal, instrumentalist perception of sovereignty. The self-interest dimension of sovereignty emphasises the ‘process’ and the ‘end-results’. The argument being made here is that states have ample reasons to respect sovereignty. The reasons could be economic, political, social, military, legal and diplomatic. States cannot ignore the potential costs of violating the sovereignty of another state.
3. ***Sovereignty as Coercion***. The international system is studied either in terms of coercion or self-interest. The *coercion school* stresses that the absence of a hegemon or world government means interstate relations will be distinguished by competitive struggle for security.³ Hence, the ‘capacity’ to physically defend the state is the primary virtue. The argument being made is that since ‘trust’ is scarce, coercion is the only sure means of maximising state objectives.

To perceive the relationship between globalisation and sovereignty in zero-sum terms can be misleading. The dialogue is subtle and has to be interactive. For liberal interdependence theorists, sovereignty is perceived in terms of the state’s ability to control ‘actors’ and ‘activities’ within the borders of a state. For realists, the crux of sovereignty lay in the ability of the state to make ‘authoritative decisions, even that of going to war in the event of a necessity. They argue that the defining principle in the struggle of ‘all against all’ regards state sovereignty as the embodiment of all that matters in the world. Constructivists emphasise that sovereignty in both its external and internal dimensions, is a socially constructed trait. Hence sovereignty is not exogenous to the system but produced through practice. Nor is it necessarily fixed or inviolable, although its status as a social fact does not imply that it is fluid and malleable either. Central to constructivist interpretations of sovereignty is the perception that sovereignty is influenced by social norms and practices, and changes over time. This argument can be juxtaposed to the traditional perception that perceives state sovereignty as a dichotomous, absolute variable. In a way, a claim to sovereignty on the part of an institution is a special type of claim to authority. Sovereignty may be perceived as possessing two different dimensions viz., ‘*competence*’ and ‘*capacity*’, which refers to the legal and political elements of sovereignty respectively. Competence refers to ‘authority’ in a juridical sense, while capacity represents a more politicised conceptualisation of pragmatic power.⁴ Sovereignty is

also perceived as being relational in nature. This implies that the differing visions and claims need to focus on where sovereignty actually resides within the state. Edward Keene explores the notion of 'divisible sovereignty' and contended that sovereignty should not be conceived as 'indivisibly packaged up in territorial bundles', but rather as a collection of various fragments that may be held by different agents. Hence he argues that sovereign rights/prerogatives are not only held by states in relation to each other, but also by private individuals, who possess rights in the law of nations through their natural rights over their persons and their property. It is this inherent tension between the 'rights of states' and the 'rights of individuals' that Hugo Grotius proposed to overcome by introducing the notion of divisible sovereignty.⁵

Robert Jackson has distinguished between 'positive' and 'negative' sovereignty. '*Negative sovereignty*' according to him is a formal legal condition under which states enjoyed rights of nonintervention and other international immunities. Hence it is upon this legal foundation that a community of independent and formally equal states rests. A state which possesses not only negative sovereignty, but also the capabilities and wherewithal to provide political goods for its citizens, enjoys what Jackson terms '*positive sovereignty*'. In this sense, the state possesses the means to take advantage of their independence usually indicated by able and responsible rulers and productive and allegiant citizens.⁶ Former UN Secretary-General Boutros-Ghali argued that "the time of absolute and exclusive sovereignty has passed."⁷ The status and relevance of sovereignty are also being contested within international organisations and forums.

Sovereignty – Authority – Control Dynamics

A distinction needs to be made between the terms 'authority' and 'control'. The former is a reference to the exclusive right to make rules (authority) and is contingent on 'recognition'; and the latter to the capability of enforcing that claim (control). In short, the argument being made is that authority concerns rule-making and control rule-enforcement. Thomson argues that authority and control are analytically separable, but their empirical relationship is critical to the understanding of sovereignty. Ultimately sovereignty locates and centralises authority and policing functions in a territorially based bureaucratic structure – the state – and at the same time disperses them into a multiplicity of juridically equal states. Hence the central problem in defining and measuring sovereignty is to comprehend the relationship between authority and control.⁸ Krasner had also asserted that the usage of the concept of sovereignty entails the distinction between authority and control. He quote him: *Authority involves a mutually recognised right for an actor to engage in specific kinds of activities. If authority is effective,*

force or compulsion would never have to be exercised. Authority would simply be coterminous with control. But control can simply be achieved through the use of brute force with no mutual recognition of authority at all. However, it is now becoming increasingly obvious that control cannot be achieved through brute force.⁹ In the contemporary world there is a certain synchronisation between state, sovereignty and globalisation.

In this context, Janice Thomson makes the following arguments regarding sovereignty:

1. That both the realist and liberal interdependence perceptions of sovereignty are hampered by the unitary view of the national state. Hence a case is made for emphasising the 'international' dimensions of sovereignty, as brought out in Giddens's 'neo-realist' theory of sovereignty.
2. Sovereignty is best conceptualised, not so much in terms of 'state power', but of 'state authority'. Here the argument being made is that the state has not just sovereign reach over the political, but also the authority over the economic, social, cultural and scientific realms. In other words the state has 'meta-political' authority.
3. The time has also come to derive empirically testable propositions both in terms of its historical status of sovereignty as well as its future trends.¹⁰

The advantages of a theoretical approach that focuses on 'authority' rather than sovereignty helps identify actors or institutions that have ultimate decision-making or rule-making responsibility, rather than assuming a priori that this capacity resides within states.¹¹ Thomson rightly argues that 'authority' is fundamentally about 'rule-making and control and rule-enforcement'. However to suggest that it does not have implications for state sovereignty can be problematic. In a globalised world, new authority patterns have emerged both domestically and internationally. Globalisation is important to sovereignty as it clearly touches on issues of authority.

Kjell Goldmann has distinguished between 'sovereignty' on the one hand, and the states' capacity for effective action, which he calls 'autonomy'. He perceives sovereignty as a 'legal right'. Hence he argues that internal sovereignty is a constitutional concept that pertains to the ultimate source of legitimate authority within a state. External sovereignty Goldmann argues is much more an international law concept, and a recognition by other countries as being in legitimate possession of rights such as non-interference in its internal affairs. It is also a reflection of the right of a state not to be submitted to international norms and decisions to

which it has not consented.¹² The perception is that state capacity is conceptually and empirically quite separate from the notion of sovereignty. Critics however argue that a distinction between internal sovereignty and capacity of the state is not only misleading but also spurious.

In contemporary parlance, Stephen Krasner identifies four major usages/notions of sovereignty viz.,

- *Interdependence sovereignty* – refers to the capacity of states to regulate movement across their borders. In a globalised world it has been argued that states have limitations and constraints in terms of their ability to effectively regulate the flow of people, capital and ideas in particular. The contention is that globalisation has to a large extent eroded the ability of states to manage their borders.
- *Domestic sovereignty* – is a reference to authority structures within states, and their ability to effectively regulate the behavior of their citizens. Theorists like Jean Bodin and Thomas Hobbes were primarily focused on domestic sovereignty of states. A major dimension of domestic sovereignty is ‘acceptance’ and ‘recognition’. In other words it is the organisation of sovereignty within a particular polity.
- *Westphalian sovereignty* refers to the ‘exclusion’ of external sources of authority both de jure and de facto. In other words within the boundaries, the state has monopoly over authoritative decision making. At the international level this would translate into a scenario of non-intervention in the internal affairs of states. It emphasises the exclusion of external authority.
- *International legal sovereignty* refers to ‘mutual recognition’ to juridically independent territorial entities.¹³

Krasner is one of the major defenders of the continuing importance of sovereignty. However Stephen Krasner argues that the rules, institutions and practices associated with the above four dimensions of sovereignty are neither “logically nor empirically linked in some organic whole”. Hence he argues that states can enjoy international legal sovereignty and mutual recognition without having Westphalian sovereignty, as it happened in the case of the East European states during the cold war. There can also be cases of states voluntarily agreeing to do so as in the case of the European Union.¹⁴ This has been the outcome of intense and complex negotiations. As Weiler and many others argue the mosaic is highly complex. The

European Union has territory, recognition, control, a court structure, monetary union, national authority, extra national authority and supranational authority.¹⁵ In short, the European Union has curtailed the Westphalian sovereignty attributes of its members. This has a bearing on the domestic structures of the member states. Krasner's major argument has been that sovereignty has never been either 'complete' or 'unchallenged'.

Globalisation and State Sovereignty

The 'preserve' of states and 'manifestations' of sovereignty are in the contemporary times increasingly falling under the purview of and associated with, the legitimate authority of international organisations.¹⁶ While the sovereignty of states have been undermined in a globalised world, yet the sphere of authority of more powerful states has actually expanded with the general expansion of the inter-state system, and globalisation in particular. In the contemporary world, one needs to concede the extent to which powerful external constraints shape the actions of even the most powerful states. The deeply interconnected domestic and international aspects of the contemporary global economy are a reality. In a globalised world, states are central, yet their authority is eroding in a variety of ways. Local and international non-governmental organisations are proliferating and gaining in authority and resources. Technological developments have further added to their wherewithal. With an increasing diffusion of authority and a corresponding loss of control, states and intergovernmental organisations are no longer always the only key players on the world stage. Hence depending on the issue and context, states retain many attributes of sovereignty, and yet share many of the attributes of sovereignty with numerous actors.¹⁷

Only few nation states are prepared to use the potential of absolute sovereignty to its full extent."¹⁸ In the contemporary world, policy making has changed within states and between states. The novel features of the international political economy places its own restraints on the traditional role of the state. Globalisation could impact on state capabilities in a variety of ways like the erosion of sovereignty, the impact of the growing role of non-state actors, sub-national groups, a variety of trans-national flows. All these and more are recasting the role of the institutions of the state. Hence it is possible that sovereignty in a globalised world is being 'transformed' rather than being eroded. Though globalisation tends to undermine the states capacity to maintain boundaries and exercise sovereignty, yet the 'territorial state' will be a reality for the foreseeable future. Hence sovereignty is not dead, and yet it is hardly as sacrosanct as it was perhaps thought to be.

Sovereignty is being transformed into something that applies to global actors, whether they be economic actors or supranational, or the nation-state. Hence economic globalisation has had much impact on economic activity and politico-economic power. It has resulted in what has been termed the 'new geography of power' and the growth of massive amount of 'legal innovation' along with the growth of globalisation. The outcome of this has been the rise of legal regimes, very often bypassing national legal systems. This means that legal regulation in many states have been handed over to private regulatory regimes of various hues and shades.

In this context the '*black box theory*' has been much discussed. Here the assumption is that societies can be perceived as a "hypothetically closed and self-sufficient unit" from a legal perspective.¹⁹ The question is, how far is such a perspective valid in the age of globalisation and interdependence. One needs to also take into account the immense influence and pressures from international society like that of global regimes like that of the trade regime, human rights regime, the role of MNC's and TNC's, legal entities like the World Bank and IMF and national constitutional processes, practices and conventions. Jurgen Habermas theorised Europe as a cosmopolitan democratic form. The process of Europeanisation has included new democratic forms, where certain aspects of state sovereignty are ceded to the larger European Union, though the state remains the locus of political power. The '*theory of Legal Pluralism*' further tends to constrain sovereignty. Here the argument is that within a single nation-state there are multiple sources of law, emanating from within and outside a nation state. Legal pluralism is a certain species of normative pluralism, and evolved over the years. Such a process of evolution led to a scenario where the concept of 'state centralism' was challenged. Hence over the years some states recognise different rules for specific categories of persons, like that of the co-existence of civil law and Islamic law all within the same state. It created in some states recognition of the need for the existence of multiple legal orders. These co-existing legal orders tend to interact in very complex ways.

It has been argued that it is not just the global economy that is affecting the sovereignty of states. In many cases the states themselves have in a variety of ways instigated the expansion of the global economy, resulting in limitations on their exercise of power. Sakia Sassen brings out this perspective forcefully: "*In many ways the state is involved in this emerging transnational governance system. But it is the state that has itself undergone transformation and participated in legitimating a new doctrine about its role in the economy. Central to this doctrine is a growing consensus among states to further the growth and strength of the global economy.*"²⁰ The notion of divisible sovereignty is central to the understanding of the contemporary world order. It brings out the aims of the liberal project of advocating rights of

the individual through the ethic of human rights. Global human rights norms present a variety of challenges to state sovereignty, especially from the perspective of the state to regulate citizens- state relations, without external sovereignty. The global human rights regime prescribes standards of behavior for all states to honour. Domestic regimes are also under pressure to set up appropriate instructional structures to safeguard citizen's rights. Sovereignty of states have been compromised through shifting patterns of regional political federations and alliances.

Though the nation-state is still a player in the world system, it has lost its capacity to control its national economy. These changes resulted in the rise of the '*region-state*', which is a reference to an area that comprises communities situated across borders, centered on a regional economic center. The only hope according to Kenichi Ohmae is to reverse the post-feudal centralising tendencies of the modern era and allow or encourage the economic pendulum to swing away from nations and back towards regions.²¹ Hence his argument is that the 'market' determines who belongs to, and who has fallen out of the realm of citizenship. To him the notion of citizenship without the market is meaningless.

Observations

The precise content and limits of sovereignty have always been contested and debated. State sovereign power is no longer sovereign, and some of that sovereignty has been transferred to other entities. Sovereignty has been transformed to the extent that though it primarily resides in the state, it can also be located in a multiplicity of arenas besides the state. This has largely been the result of globalisation. The time has come to seriously assess the theoretical and practical role of sovereignty in the age of globalisation. Sovereignty has assumed a new meaning, and relevance in the contemporary research agenda. States have always existed in an interdependent world, particularly since the Middle Ages and the Industrial and technological revolution. Meta-political authority is not necessarily unique to the contemporary times. Yet, the 'reach' and 'depth' of global flows in the contemporary world has been perhaps unprecedented, which poses major challenges in terms of theory and practice. The perception that states could exclude external sources of authority and effectively regulate their borders can no longer be taken for granted. Even the good governance discourse raises questions about the very foundations of the world order and the place of sovereignty within it. A variety of issues are now being handled at the supranational level, like those rules pertaining to world trade, the nuclear regime, the environmental regime, the human rights regime, the role of the financial markets etc. The new supranational bodies have not necessarily subsumed the territorial state.

The problem for political theory is that there is no single locus for political action and its legitimation.²²

In terms of theoretical conceptualisation, there is need for a conceptual rethinking of the hardcore classical absolute meaning of sovereignty. This needs to be balanced up by accommodating some of the arguments of the integration and convergence theorists, who emphasise the dynamics of the contemporary interdependent globalised world. This would mean a shift away from an indivisible to a divisible notion of sovereignty. The best way to perceive sovereignty is in terms of degrees of sovereignty as globalisation has changed the context in which state functions are exercised. Sovereignty is being reconstructed and readapted, rather than being eroded. In the contemporary world many of the problems and solutions transcend national borders. The perception that sovereignty is something given and cannot change in terms of 'time' and 'space' is undergoing transformation.

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Human Security in India: Problems and Policy Options

Suresh R

Abstract

Human security focuses on the basic units of nation states, that is, the individual. It appears that a people centered security approach would help to solve the problems of the individuals in a better way than the state centered approach towards security. In a state centered security paradigm, the basic issues of individuals get less attention. Nation states were the creation of people who desired to protect and promote their security. It was one of the means to achieve people's security at a particular stage of human civilization when the threat to security of the people emanates mainly from external sources, that is, from other nation's military forces. Security, therefore in the ultimate analysis means human security. In the post cold war period the external military threat perception has been diminished or even eliminated and new threats to security of nation states as well as people evolved. These nontraditional threats to security of nations including terrorism, global economic slowdown and global climate change can be addressed only through multilateral efforts. Again it is widely accepted that even if nations are secure, people may not be secure. People are not secure in their daily life as long as poverty, illiteracy and hunger remains. Moreover unless the social economic and political rights of the people living in each nation states are not secured and protected there is no human security, national security and international security. Thus the blurred boundary between human security and national security on the one hand and national security and international security on the other hand again emphasis the significance of human security.

Introduction

In the post Second World War, period independent India played a major role in the formation of NAM (Nonaligned Movement) at the international level. Though the military power dominated cold war period was not conducive to the growth of such an international movement, which was not based on power equations, it provided the newly independent developing nations a forum to articulate their particular as well as common grievances. Though NAM was not very effective to meet the challenges of power politics it acted as an international pressure group to reduce the negative impact of power rivalry and competitions. However, the cold war has ended without the outbreak of a world war or any pressure exerted by the NAM towards that objective.

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In the post cold war period, the end of ideological confrontation has given way to the process of integration of domestic economy with global economy. The perception regarding security of nation states also underwent a marked change. During the cold war period, the developed and developing nations focused mainly on arms build-up to ensure the security of the nation from the threat posed by potential rival nation states. The general belief was that if the nations are secure from external military threat posed by other nation states, the people living in that nation are also secure. Therefore during the cold war period national security was purely based on military security and nation states paid maximum attention to enhance their military power. Concomitantly military alliances, armament and arms race were the natural corollaries of such a state of affair (Karl Deutsch 1989: 182). However in the post cold war situation, the capacity of non state actors to harm human and material resources manifested that no nation howsoever militarily powerful can single handedly meet the threat posed to their security (Suresh 2010: 103). Similarly, the global economic meltdown and global climate change demand concerted action by the developed and developing nations.

Again the development in field of Information and Communication Technology (ICT) has united the people across the world transcending the manmade territorial boundaries of nations. The international non-governmental agencies act as an agency to aggregate and articulate problems confronted by ordinary people in their daily life across the world. These problems include poverty, denial of basic human rights, child labour and many other predicaments in the realm of protection and promotion of social, economic and political rights. Most of these matters can be considered as human security issues. This paper is an attempt to examine the human security concerns before India and policy options available in the changed international context.

Dimensions of Security

With the end of the cold war, the concept of security has increasingly come under scrutiny from scholars of international relations and other discipline. In the classical formulation, security is about how nation states use force to manage threats to their territorial integrity, their autonomy, and their domestic political order, primarily from other nation states. This classical national security formulation has been criticized on various grounds. A nation may be secure but does not mean that all people living in that nation are secure. The social, economic and political orders prevalent in that nation have an implication on the security of the people (Suresh 2011: 125).

The debates on security are centered on the presuppositions about what security is, what is being secured, the causes of insecurity, and how best to address insecurity (Kanti Bajpai 2003: 195). International relations theorists and policy experts have varying perspectives on these questions, which have evolved and have had changing levels of acceptance over time. Realists and neo-realists emphasise the nation state as the central referent of security, both as the lens through which security is understood, as well as the tool by which security is best maintained or restored (Hans J Morgenthau 1983: 23; Kenneth Waltz 1979: 31). Liberal theorists recognize a wider set of values embedded in the concept of the state and state security, in the methods and means to address insecurity, and the actors involved.¹ The critical constructivist scholars understand that the interests and identities of nation states are themselves constructed by the distribution of ideas and interests within the state-based system and this shapes a state's security interests and how these are conceived, and in turn impact upon the actions necessary to ensure security.² Thus there are divergent views with regard to concept of the security, whose security, that is, whether the security refers to security of the nation or people, the causes of insecurity, and how to ensure security.

The Westphalia state system had made nation states as the basic unit in the international system. And nation states are sovereign and independent. Each nation decides their internal and external policies. The prime responsibility of a nation state is to promote its national interests.³ The national interests of nation states are mainly to ensure peace, security and prosperity. However they differ with regard to the means adopted to achieve these national interests. Some nations employ aggressive means and some peaceful methods⁴ and foreign policy of a nation is the means to achieve their respective national interests including security interests. Therefore, though the national interests are same, nations frame divergent foreign policy, which in turn is conditioned by the interplay of internal and external factors. Thus, the foreign policy changes in accordance with the transformations in the internal and external conditions.⁵

India's Security Concerns

Independent India took the initiative for a non aligned foreign policy rooted on the Indian tradition of faith in nonviolence. However the cold war politics of super power rivalry and competitions along with an unfriendly atmosphere in the South Asian region prompted India to fall in the line with the power politics propounded by the realist.⁶ The ensuing armament, arms race and competitions prompted India to keep its nuclear weapon option open and also involve in 'civilian cum military alliances' with the former Soviet Union.⁷ During that

period, international politics was purely based on power politics and India and likeminded nations had only limited policy options to ensure the security of the nation from external military threat.

In the cold war period, in addition to the threat from Pakistan and China, another major security concern of India was the presence of external powers especially the US presence in the region. This prompted India to support the Sri Lankan initiated proposal to declare Indian Ocean as a Zone of Peace by the UN in 1971. The entry of the US naval fleets into the Bay of Bengal in support of Pakistan during the Indo Pak war of 1971 again prompted India to take a strong stand against external power presence in the region especially US presence. Throughout the cold war period India's security policy was mainly based on this stand and in all international and regional platforms India strongly maintained this position.

Thus India's traditional security concerns revolve round the threat from Pakistan and China. However, in the post cold war period a major threat from Pakistan has only a remote chance because of two major developments in the region. Pakistan's decision makers both military and civilian are well aware of the fact that they may not get any support which they had received in the 1971 war, from their cold war defense ally, the US. Secondly, since Pakistan became a nuclear weapon power, no major players at the international level or the UN would allow the outbreak of a nuclear war in South Asia. With regard to the threat from China, though there is an unresolved border problem, China may not initiate a 1962 type war with nuclear India due to nuclear deterrence. Here again the global players and the UN would not allow a nuclear war in Asia. Thus in the post cold war period, India's traditional security concerns have undergone a marked change, though the defense establishments pay least attention to these developments.

In the post cold war period, the major security concern of India emanates mainly from cross border terrorism. All other traditional security concerns were overtaken by economic issues rooted in the domestic as well as international economic situations. The challenges posed by international terrorism, global economic meltdown and environmental degradation including climate change are also security concerns before India. Though Indian economy shows higher growth rate in terms of GDP it faces many challenges on the domestic front like poverty, illiteracy, social and economic inequality, communalism, regional imbalance, development based displacement etc. Thus the human security challenges are more in number as well as grave in nature.

The changes that have taken place in the domestic and external situations are not well reflected in India's foreign as well as security policy. Like most of the developing nations, India is also groping in darkness in search of a new foreign and security policy. The problems of the post cold war period are not the same as that of the cold war period. The end of cold war and the ongoing globalization process along with the proliferation of nontraditional threats to security of the nations led to multilateralism in international relations (Suresh R 2010: 50). Though the great powers are not ready to accept the new developments, the post cold war events such as threat from non state actors to the security of nation, the global economic slowdown, and global climate change compelled even the most militarily powerful nation to seek multilateral approaches to address these menaces.⁸

The ideological confrontations during the cold war led to armament, and arms race between the capitalist bloc and communist bloc nations. During the cold war period, military security was the dominant security concern of nation states as the threat to security of nations emanates solely from rival nation states. However, the changed context of international power structure and the advent of nontraditional threat to the security of nations along with the ongoing economic integration at the global level and greater interaction of people across the world with the advent of ICT transcending artificial territorial boundaries, compelled the nation states to evolve a common strategy to address emerging security concerns.

The global movements towards democratization and protection and promotion of human rights supported by ICT once again brought individual's rights and security into focus. It appears that even if nations are secure the people living there may not be secure. Civil wars in some nation states to protect the rights of multiethnic groups or the demand for right to self determination of people are examples of such situation. In this context, security means people's security and international efforts are required to ensure people's security from any threat that emanates from within or outside the nation states. Thus human security assumes great significance in the post cold war era of the profoundly interdependent global system.

Human Security

Though the idea of human security in its rudimentary form may be traced to the 1960s, it was the Independent Commission on International Development Issues in its North-South Report of 1980 that highlighted the changing thinking on development and security. The chairman of the Commission Willy Brandt observed "Our Report is based on what appears to be the simplest common interest that mankind wants to survive, and one might even add has the

moral obligation to survive. This not only raises traditional questions of peace and war, but also how to overcome world hunger, mass misery and alarming disparities between the living conditions of the rich and poor.”⁹

Another notable development in the idea of human security was the Common Security Report of the Independent Commission on Disarmament and Security Issues chaired by Olaf Palm. It acknowledges that Third world security was also threatened by poverty and deprivation due to economic inequality. The report noted “common security requires that people live in dignity and peace, that they have enough to eat and are able to find work and live in a world without poverty and destitution.”¹⁰

With the end of the superpower rivalry the call for a new thinking in security matters gained momentum. In 1991, the Stockholm Institute on Global Security and Governance issued a call for “Common Responsibility in the 1990s”, which maintained a “wider concept of security, which deals with threats that stem from failures in development, environmental degradation, excessive population growth and movement, and lack of progress towards democracy.” Again in 1995, the report of the Commission on Global Governance, Our Global Neighborhood, stated that “The concept of global security must be broadened from the traditional focus on the security of states to include the security of people and the security of the planet.”¹¹

The above commission reports may be considered as precursors to human security thinking. However, a human security perspective was developed by the UNDP (United Nations Development Programme) in the Human Development Report of 1994. This report contains a section on ‘Redefining Security: The Human Dimension’.¹² It proposes an alternative to traditional security and a necessary supplement to human development. The report discusses in details the question of security for whom by reference to the traditional notion of security. These were concerned with the security of territory from external aggression, or protection of national interest in foreign policy or global security from the threat of nuclear holocaust. It has been related more to nation state than to people. What this conception overlooked was the “legitimate concern of ordinary people who sought security in their daily lives”.¹³ Human security, on the other hand, is people centered.

The Human Development Report maintains that human security means protecting the vital freedom of individuals. It means protecting people from critical and pervasive threats and situations, building on their strengths and aspirations. It also means creating systems that give

people the building blocks of survival, dignity and livelihood. Human security connects different types of freedoms - freedom from want, freedom from fear and freedom to take action on one's own behalf. To do this, it offers two general strategies: protection and empowerment. Protection shields people from dangers. It requires concerted effort to develop norms, processes and institutions that systematically address insecurities. Empowerment enables people to develop their potential and become full participants in decision-making. Protection and empowerment are mutually reinforcing, and both are required in most situations. Human security complements state security, furthers human development and enhances human rights. It complements state security by being people-centered and addressing insecurities that have not been considered as state security threats. By looking at "downside risks", it broadens the human development focus beyond "growth with equity". Respecting human rights is at the core of protecting human security.¹⁴

Thus, human security focuses on the basic units of nation states, that is, the individuals. People centered security would help to solve the problems of the individuals in a better way than the state centered security. In a state centered security paradigm, the basic issues of individuals get less attention. Nation states were the creation of people who desired to protect and promote their security. It was one of the means to achieve people's security at a particular stage of human civilization when the threat to security of the people emanates mainly from external sources, that is, from military forces of other states. With the change in the external threat perception of nation states there is a need for consequential change in the security policy of nations. In the changed context, security therefore, means people's security. In the post cold war period, the external military threat perception has diminished or even been eliminated and new threats to the security of nation states as well as people have evolved. These nontraditional threats to security of nation states including terrorism, global economic slowdown and global climate change can be addressed only through multilateral efforts. Again, it is widely accepted that even if nations are secure, people may not be secure. People are not secure in their daily life as long as poverty, illiteracy and hunger remain. Moreover, unless the social, economic and political rights of the people are not secured and protected there is no human security, national security and international security. Thus the blurred boundary between human security and national security on the one hand and national security and international security on the other hand again emphasis the significance of human security.

India and Human Security Issues

In the age of globalization, protection of the vulnerable groups in the society, who are affected by development based displacement or by loss of job and income, assumes great significance. India had taken several steps to ensure human security or the security of the people. Being the largest democratic system in the world it has a strong democratic structure to implement human security measures at the national level. Though the political foundations of India are strongly based on a parliamentary democratic system, in the economic and social fields it confronted many challenges. These include poverty, unemployment, illiteracy, social inequality communalism, and casteism, the economic disparity between haves and have-nots. All these factors have a direct repercussion on human security in India. For instance, a quick glance into the prevalent economic condition in India shows that it is moving from bad to worse.

The official statistics of the government of India maintains that the economy has grown at an average annual rate of about 8 per cent for the last 3 years, reducing poverty by 10 per cent. However, 40 per cent of the world's poor still live in India, and 27 per cent of the country's population continues to live below the poverty line. More than one third live on less than a dollar a day, and 80 per cent live on less than two dollars a day. India's recent economic growth has been attributed to the service industry, but 60 per cent of the workforce remains in agriculture.¹⁵

For the poor, lack of basic health, education and training opportunities mean that not only are they in a miserable condition today, there is not much hope for the future either. The official statistics below further support this statement.

1. 27.5 percent of Indians live below the national income poverty line.
2. More than 60 percent of women are chronically poor, as are 43 percent of Scheduled Tribes and 36 percent of Scheduled Caste groups.
3. More than 90 percent of the overall workforce is employed in the informal economy; 96 percent of women are in the informal economy.
4. 48.6 percent of farmer households are in debt, and only 27 percent have access to formal credit.
5. 296 million people are illiterate and 233 million are undernourished.

6. 254 per 100,000 live births is the maternal mortality rate and is an indicator not only of the quality of maternal health care services but also of the level of empowerment of women.¹⁶

The official estimate shows that millions of people in India live in a state of abject poverty, without food, shelter, employment, health care and education. According to the UNDP Report of 2010, Indian society is a highly inequitable society where the richest 10 percent consume 33.5 percent of resources and the poorest 10 percent get only 3.5 percent of resources. Around 233 million people are chronically hungry. Around 51 percent of the population does not have sustainable access to affordable essential drugs. Infant mortality rate is 68 per 1000; under 5 child mortality rate is 93 per 1000; 26 percent children are underweight; and 24 percent of the population is undernourished. Maternal mortality ratio is 440 per 1, 00,000 and 72 percent of the population does not have access to improved sanitation.¹⁷

It is a paradox to note that, India is the largest importer of arms¹⁸ and spends Rs 193000 crores annually for defence.¹⁹ The huge defence spending of India not only has an adverse effect on the scarce resource of India but also affect the military spending of other South Asian countries. Therefore India's move towards addressing the traditional security concerns even in the changed context of international situation prevents it from concentrating on solutions to the human security issues.

The Union Parliament adopted the 86th Constitutional Amendment whereby elementary education has been made a fundamental right in the Constitution.²⁰ Despite the 86th Constitutional Amendment, around 35 percent of the population is still illiterate. About 50 million children are out of school. Even where enrolment is high, the dropout rate is over 50 percent by the time the students move over to high school. Gender Parity Index is 0.82. It means that for every 1000 boys enrolled, there are 820 girls seeking admissions. The problem related to education and health would further aggravate with the gradual withdrawal of state from the education and health sector due to the compulsions of economic structural adjustment programme initiated as part of liberalisation, privatisation and globalisation process (Suresh 2009: 30).

In a democratic system, human security assumes great significance. Since the support of the people is required for the government formation, no political party can ignore human security issues. The globalization process has also contributed towards the inclusion of human security issues in the national and international agenda. The awareness of the people regarding

their own basic problems and the increased interaction among people across the man made territorial borders as a result of the development in ICT, has also promoted the importance of human security in the security debates and action plan. Thus in order to strengthen the democratic system in India, it is highly desirable to address the human security issues.

Further, the existence of nontraditional threats to the security of India demands imminent solutions. The nontraditional security threats have been defined as the challenges to the survival and well-being of peoples and states that arise primarily out of nonmilitary sources, such as climate change, cross border environmental degradation and resource depletion, infectious diseases, natural disasters, irregular migration, food shortages, people smuggling, drug trafficking, and other forms of transnational crime.²¹ India has also confronted with all these nontraditional threat to its security. These security issues can be addressed only through non military as well as multilateral approaches. The existence of nontraditional security threats again blurs the boundary between human security and national security on the one hand and national security and international security on the other hand.

India's Security: Policy Options

The prime responsibility of a nation state is to ensure security to its people and their property. Since each nation state is sovereign, it has every right to decide about the means to be pursued to ensure security. The means followed by nations to ensure security are often based on the domestic situations, especially economic power. Generally, economically powerful nations invest more on developing a superior defence force not only to ensure national security but also to extend security cover to allies. World history shows ample examples about this proposition.

Though scientific and technological developments resulted in revolutionary changes in human life situations, there is less change in the approach towards security. In international politics there are various approaches towards peace and security. Broadly, these approaches can be classified as coercive means to ensure peace and security and non-coercive means. While the realist and neo realist theorist focuses on coercive methods others focus mainly on non-coercive methods.

A quick glance into the history of international politics shows that there were various methods adopted by nation states to protect and promote their national interests. During the 19th century and early 20th century it was the policy of imperialism and colonialism. However, the end of Second World War and the establishment of the United Nations Organization marked the end of the policy of colonialism as a means to promote national interests. The cold war

period witnessed the dominance of power politics in international politics. In fact international politics had become synonymous with military power and its predominance. However without the use of military power, either conventional or nuclear weapons, the cold war has ended. The unexpected disappearance of discipline enforced by the super power rivalry and competitions on nation states prompted at least one incident of violation of sovereignty and territorial integrity of a nation in the international system. The enthusiasm shown by the international community of nations under the collective security principle to nip in the very bud the revival of use of force to endanger the sovereignty and territorial integrity of nation was also a warning to all decision makers of nation states, especially the dictators who adopt war as an instrument of foreign policy.

Further the end of cold war marked the beginning of accelerated pace of globalization. The post cold war period also witnessed some major alterations in the national security threat perception of nation states. The nontraditional threat to the security of nation states have become more grave, numerous and imminent than the traditional threat that emanates solely from other nation states. Among these threats international terrorism, global economic slowdown and global climate change are the none serious and looming ones. A viable solution to these tribulations can be found only through collective efforts of all developed and developing, as well as militarily strong and weak nations.

The modern states are welfare states and the welfare state concept envisages a minimum standard of living to all individuals. Though India is celebrating the 65th anniversary of its independence nearly one third of its population still lives in poverty, nearly forty per cent of the population are illiterate, and the gap between rich and poor is alarmingly growing. The political equality was ensured with one man one vote, however social, economic and educational inequality is looming large in the Indian society. In a welfare state it is the responsibility of the government to ensure minimum standard of living to all. The failure on the part of the government to ensure people's security is a gross violation of the Constitution. Thus the threat to security emanates not only from external aggression but also from poor management of the scarce resources to ensure human security.

It is the responsibility of the government to frame policies to ensure people's security. While framing policies, both domestic and external, the security of the people should be the sole criterion. It is very difficult for the decision makers to take a new course of action based on drastic amendments in the existing policies. India has to revisit its external policy under the changed international situation. Commensurate with changes in the international, situation the

defence policy also need reorientation. The futility of arms race and competitions are well reflected towards the end of cold war. Moreover the vertical and horizontal nuclear weapon proliferation makes the conventional arms build up as a means for the survival of international arms business establishments. In the post cold war deeply interdependent world, war as an instrument of foreign policy has lost its relevance. However a minimal force is required to wage limited war and to deter any military adventure from nation state or non-state actors across the land or maritime borders.

India's security concerns during the cold war period were revolved round the threat from Pakistan, China and the US presence in the Indian Ocean. However, in the post cold war period a major threat from Pakistan is less serious because of two major developments in the region. Pakistan's decision makers both military and civilian are well aware of the fact that they may not get any support which they had received in 1971 war, from their cold war defense ally, the US. Secondly since Pakistan became a nuclear weapon power, no major players at the international level or the UN would allow the outbreak of a nuclear war in South Asia. Similarly with regard to the threat from China, though there is an unresolved border problem, China may not initiate a 1962 type war with nuclear India due to nuclear deterrence. Here again the global players and the UN would not allow a nuclear war in Asia. And India's defence collaboration with the US especially with the signing of Indo US civilian nuclear agreement marked a sea change in Indo US relations. Thus in the post cold war period, India's traditional security concerns have undergone a discernible transformation, though there is no commensurate change in its security policy. The continuance of traditional security policy even in the changed context of internal and external setting can be well explained as the British colonial system entrenched strong bureaucratic and defence structure in India that could easily resist any attempt to restructure the existing security policy by the political executive which is relatively weakened by the compulsions of coalition politics and corruption.

The blurred boundary between human security and national security on the one hand and national security and international security on the other hand again emphasis the significance of human security. It appears that the best option before India is to focus more on human security issues than pure military security. Since the threat to security of the nation emanates mostly from non-state actors with the support of some nation states the cooperation of other actors in international system are required to address these issues. The existence of nontraditional threat to security also demands changes in security policy (Vinod Anand 2011: 31). In the long run, armament and arm race in the region is particularly detrimental to India both in terms of scarce resource use and also instability of the political system in the immediate

neighborhood nation having nuclear weapon power. In the present context it appears that India should focus more on addressing the human security concerns than on accelerating military built up in the region. This would enable India not only to solve most of the internal security issues by undertaking various welfare measures to alleviate poverty and other human security issues but also to address the British colonialism created border disputes.

Notes

1. Liberal theory believes in global integration and the strategy towards integration, unlike the coercive means of realist is democratization; conflict resolution; and rule of law.
2. Critical constructivist school on security believes that security is a social construction. They emphasize the importance of social, cultural and historical factors, which leads to different actors construing similar events differently.
3. National Interests according to Hans J Morgenthau is defined in terms of national power.
4. Generally developed nations spent more on defence compared to the developing countries.
5. For a detailed analysis of foreign policy determinants see Suresh R *Foreign Policy and Human Rights: An Indian Perspective*. Madhav Books, Gurgaon, 2009
6. Realists argue that moral principles cannot be applied in the actions of the state.
7. The Indo Soviet Peace and Friendship Treaty of 1971 though not a defence treaty some provisions, especially article 9 are termed as components of a defence treaty. Suresh R *Peace in the Indian Ocean: A South Asian Perspective*, Serials Publications, New Delhi 2012 p 46
8. In the post cold war international order though the US is the sole super power, on all international issues such as international terrorism, economic meltdown, and environmental degradation the support of other nations are required for effective solution.
9. The Independent Commission on International Development Issues, North- South A Programme for survival, Cambridge, 1980 p-9
10. The Independent Commission on Disarmament and Security Issues, Common Security A Blueprint for Survival 1982
11. The Commission on global Governance, Our Global Neighbourhood, Oxford University Press, New York, 1995 p 306
12. UNDP Report 1994, Oxford University Press, New York, 1994
13. *Ibid.*
14. *Ibid.*
15. UNDP Country Programme for India (2008-2012) page 2
16. *Ibid*
17. *Ibid.*
18. "India's imports of major weapons increased by 38 percent between 2002-2006 and 2007-11," Stockholm International Peace Research Institute (SIPRI) said Asia tops other regions when it comes to weapon imports, according to a study released by the SIPRI India is the world's largest recipient of arms while South Korea is

second and Pakistan and China are tied in third place, says the Stockholm International Peace Research Institute (SIPRI) in a study on international arms transfers.

19. The Defence Minister of India stated that India's annual expenditure for Defence is Rupees 1,93,000 Crores see www.indiannavy.nic.in on 21 Aug 2012
20. The 86th Constitution Amendment Act came into force on 12/12/2002
21. Caballero-Anthony, Mely: Non-traditional Security and Multilateralism in Asia: Reshaping the Contours of Regional Security Architecture? The Stanley Foundation Policy Analysis Brief, June 2007.

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Liberal Democracy and Kymlicka's Conception of Minority Rights: Towards a Perspective of Dalit Rights

Kesava Kumar

Abstract

The recognition of minority rights has become an issue for debate in recent times. It has implication for a theory of liberal democracy. Especially, the communitarian critique of liberalism has come in strong defense of community against individualism. Will Kymlicka proposes minority rights in the multicultural context of west by internalizing the wisdom of liberal and communitarian debate. He argues for cultural rights of minorities on its own merit within a liberal framework. Western nations, like India, live with pluralism and an established tradition of recognizing the autonomy of individual as well as community. Ambedkar offers a different kind of framework for minority rights. He views Dalit rights as minority rights in a Hindu majoritarian society. He defends the minority rights within the framework of liberal democracy based on disadvantage, oppression and injustice experienced by Dalits in the Hindu social order. He mediates both liberalism and communitarianism. His conception of minority rights goes beyond western liberalism and offers one kind of liberal and democratic multiculturalism evolved from Indian experience.

Introduction

Today the issue of minority rights is a debating point for many nation-states. It often challenges liberal democratic governments. On one hand communitarian thinkers are critical about liberal theory for its emphasis on individualism. In the wake of identity politics, demands for rights of specific social group/community have not only got currency but have its moral legitimacy on different grounds. Especially the rights of recognition for ethnic, cultural, social, linguistic, religious minorities located in a nation state require a different kind of political and philosophical articulation against the existing political practices and theories. The liberal theory is one such grand political theory that based on the principles of individualism, egalitarianism and universalism, has adopted by the nation states of the world in one form or other. Individualism and individual rights are often viewed as the defining characteristic of liberalism. Liberalism has often been criticized for being excessively individualistic and for not recognizing group rights. The liberal theory is under attack from different fronts such as communitarians, Marxists, feminists and post modernists on different grounds.

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The autonomy and freedom/rights of the individual has taken a new turn in the context of the demands of collective rights. Especially, the struggles of new social movements and claims of ethnic groups, immigrant groups, indigenous and aboriginal groups both in the West and Post colonial nations have compelled the reformulation of the existing principles of governance.

In recent times, Will Kymlicka, the Canadian philosopher addresses minority rights as group specific rights in multicultural societies in the backdrop of liberal and communitarian debates. He made an attempt to accommodate criticisms against liberal democratic theory by developing a liberal conception of multiculturalism. Kymlicka argues for the cultural specific rights of the minorities rather the rights given or allowed by the liberal state in general. He viewed that it is important to strengthen and to provide protection for the societal culture of the minority groups. The liberal theory has different context and meaning in India. The post colonial nation state has addressed the problem of social and religious minorities in its own way against the wish of Hindu majoritarianism. Ambedkar, the Indian philosopher argued for the rights of social minorities by reformulating the liberal theory in his own way to suit the Indian context. This paper is an attempt to revisit Ambedkar's conception of rights of social minorities (Dalits) in the light of Kymlicka's conception of minority rights in the western liberal multiculturalism.

Kymlicka's Conception of Minority Rights

Will Kymlicka is a contemporary Canadian philosopher and is known for his contribution to theoretical understanding of minority rights in contemporary times. In political theory, his works are largely identified with liberal tradition and made a systematic attempt to defend and expand the liberal view of rights, and the individual and society. His work *Liberalism, Community, and Culture* deals about issues of citizenship and multiculturalism of the federal government by responding to communitarians regarding cultural membership. (Kymlicka 1985). He argues against the popular conception of liberalism as commonly interpreted. The common conception of liberalism is that it gives no independent weight to our cultural membership, and hence demands equal rights of citizenship, regardless of the consequences for the existence of minority cultures. Against this view, he reinterprets the liberal tradition, to show that a respect for minority rights is indeed compatible with liberal equality: Post-war liberal clichés need to be rethought, for they misrepresent the issue, and the liberal tradition itself (Kymlicka 1985:152). His arguments are further elaborated in *Multicultural Citizenship: A Liberal Theory of Minority Rights* by theoretically dealing about the nexus between individual and society/culture and the implied meanings of freedom, liberty

and good life by discussing the issues related to aboriginal peoples, Quebec, immigrant groups, and multiculturalism. The debate is centered on the adequacy of the liberal model to deal with group rights (Kymlicka 1995). This has its importance in the context of racial, cultural and ethnic conflicts and social movements that focus on identity and rights. In *Multicultural Citizenship*, Kymlicka staunchly adheres to his long-standing claim that cultural membership must be brought within the locus of liberal justice. He refashions the liberal democratic theory in his own way. Will Kymlicka's *Multicultural Odysseys* is an impressive evaluation of the effort to deploy liberal multiculturalism as a model for addressing ethnic and racial hierarchies in Western democracies, post-communist states and post-colonial states (Kymlicka 2007). He proposes liberal multiculturalism in the context of fear of spread of ethnic violence after the collapse of communism and post colonial democracies. He hoped for the possibility of a viable liberal-democratic form of multiculturalism by approaching norms and minority rights such as publicizing best practices, devising minimum legal, liberal norms and formulating case specific solutions.

Will Kymlicka argues for minority rights within the tradition of liberalism. In general, liberalism looks on the individual as being autonomous and able to act. The liberal theory emphasizes individual freedom. As a political philosophy, liberalism has often been seen as primarily being concerned with the relationship between the individual and the state, and with limiting state intrusions on the liberties of citizens. That is, the liberal model is often considered to be concerned exclusively with individual rights. All rights adhere to the individual, and liberalism has often been criticized for being excessively individualistic. *Individualism and individual rights* are often viewed as the defining characteristic of liberalism, so that there are minimal or no group rights that are part of collectivities. Against this opinion, Kymlicka argues that liberalism also contains a broader account of the relationship between the individual and society - and, in particular, of the individual's membership in a community and a culture (Kymlicka 1985:1). He argues that *group rights* are part of liberal thought. Group rights can be viewed as admissible within liberalism and even necessary for freedom and equality. For Kymlicka these are not temporary rights, but rights that should be recognized on a permanent basis, because these are the inherent rights of the national minority. He explained how minority rights relates to the broad political values such as freedom, equality, democracy and citizenship and broader normative frame works such as liberalism, communitarianism and republicanism. Kymlicka's idea of cultural embeddedness of the individual creates theoretical space for cultural rights, there by making liberalism hospitable to the moral imperatives of cultural pluralism.

In dealing with minority rights, Kymlicka distinguishes two types of ethno-cultural groups: *National minorities in multination states* and *Ethnic groups in polyethnic states*. National minorities arise from the voluntary or involuntary incorporation of an entire nation, whereas ethnic minorities arise from individual and familial immigration from different nations. Kymlicka argues that immigrant groups are generally ethnic groups, and can be accorded what he calls polyethnic rights in a polyethnic state. National minorities are groups that have in common some or all of history, community, territory, language, or culture. Each of these is sometimes referred to as a *nation, people, or culture*. Each of these may have become a minority involuntarily through conquest, colonization, or expansion; or it could have voluntarily agreed to enter a federation with one or more other nations, peoples, or cultures. Kymlicka defines national minorities in terms of culture, and argues that if these minorities wish to retain their cultures, they should be recognized as distinct. The group rights that may be associated with national minorities are *self-government rights* or *special representation rights*. For Kymlicka, these are not temporary rights, but are rights that should be recognized on a permanent basis, because these are inherent rights of the national minority. Although Kymlicka argues that national minorities and ethnic groups both make legitimate claims for minority rights, his most interesting line of argument relates to national minorities. The central justification proceeds in two stages. First, he argues that individual autonomy "is dependent on the presence of a societal culture, defined by language and history, and that most people have a very strong bond to their own culture." The second stage of the argument holds that liberal justice "is not only consistent with, but even requires, a concern with cultural membership." Minority rights can thus be justified not just by a claim but as the rights of these groups. As it is forcefully argued by Kymlicka: [I]t is ... unjust to individuals to say that those who belong to dominant groups can enjoy the attendant advantages and satisfactions, whereas those who belong to non dominant and minority groups must either abandon their culture or accept second-class status. It is not enough for political theorists to contemplate simply the individual and society, or relationships between man and the state. It is time for them to contemplate mankind in its great variety." They should ensure that the (collective) good of cultural membership is *equally* protected for the members of cultural minorities and majorities alike. Without such rights, minority members do not have "the same opportunity to live and work in their own culture as members of the majority" (Kymlicka 1995).

Kymlicka argues for minority rights based on his assumption of *societal cultures*. In *Liberalism, Community and Culture*, the importance of cultural membership was ascribed to a "cultural community" or "cultural structure." In *Multicultural Citizenship*, the focus changes to "societal cultures." The particular culture that is discussed is *societal culture*, the history,

traditions, and conventions that go along with the society, and the set of social practices and institutions that are associated with the societal culture. For Kymlicka, a societal culture is “a culture which provides its members with meaningful ways of life across the full range of human activities, including social, educational, religious, recreational, and economic life, encompassing both public and private spheres.” Like nations, societal cultures are typically territorial based and grounded on a common language. Societal cultures thus provide “the everyday vocabulary of social life” which, in the modern world, means that they “must be institutionally embodied—in schools, media, economy, government, etc.” In essence, then, the societal culture is one that can, in a modern sense, be lived *within* not in the sense that it is wholly independent, but because it provides a full range of *options* for a fulfilling human life (Kymlicka1995).

Kymlicka put forward his idea of minority rights by relating to the specific nature of societal culture. Culture of origin provides a basic resource for people, and integration into a new culture is difficult for people. In these circumstances, it may be important to strengthen the culture and provide protection for various minority groups. But note that this leads in quite different directions for national minorities and for immigrant ethnic groups. That latter generally wish to integrate, the protections need not be permanent, and are often fairly limited. For national minorities, the argument may lead in the direction of strengthening their societal culture, as a permanent feature, with extensive self-government rights. Kymlicka does not argue for self-government rights for ethnic groups. According to Kymlicka, ethnic groups also have a legitimate claim to minority rights. More specifically, they have a claim to “polyethnic rights,” which ensure that they are incorporated into the dominant culture on fair terms, enabling ethnic groups and religious minorities “to express their cultural particularity and pride.” Not only should common rights of citizenship be more strictly enforced to eliminate all forms of discrimination and prejudice, but some group-specific rights should also be justified. Further Kymlicka defends group rights as a move towards equality. The *equality argument* considers that some minority rights actually increase equality, and that true equality requires different treatment for different groups. To protect these rights of culturally disadvantaged groups, the State could not be a culturally neutral.

Indian liberal democracy: Negotiating Individual as well as Group Rights

As Rajeev Bhargava rightly pointed out that for all talk of pluralism and multiculturalism in western political theory, a mention of how these issues arise or are tackled in places such as India is barely mentioned. Worse, political philosophers still show little

curiosity about the experience of non-western societies. Further he argues that Indian experience of plurality and affirmative action has a long history and is even older than many western countries. The debates around group rights, self-determination, differentiated citizenship, gendered equality, secularism and constitutionalism are considerably enriched by the Indian experience (Bhargava 2010:58). However, Kymlicka's concerns for minority rights in the multicultural set up of western societies indirectly facilitates the need to recognize the rights of oppressed social groups in India. Will Kymlicka's conception of minority rights have different contexts and different meanings across nations. In European nations, with the struggles of indigenous groups, immigrants, ethnic and other religious groups the debate of minority rights became relevance. There are efforts from the nation states to accommodate these groups in a multicultural set up. In the Indian context, the conception of minority rights had different meanings. The pluralistic nature of society and its specific historical conditions provide new meaning to the minority as explained in the case of western societies. The Indian state is not typically liberal as most of the western states. As Manoranjan Mohanty explains, the rights in Indian constitution are neither individualist in nature in the strict sense of classical liberal theory nor collective in an idealistic sense (Mohanty 2001:1-13). In the same line Thomas Pantham considers that the Indian constitutional framework can be appropriately referred to as communitarian-liberal democracy; it is *liberal* in the sense that in some respects it takes the individual to be prior to the community, and it is *communitarian* in that in some respects it takes the community to be prior to the individual (Pantham 1995:171). Gurpreet Mahajan explains how the Indian state considers both the rights of individual and a group. By focusing on the cultural policies of the state and devising ways by which cultural communities receive equal consideration in the public realm, the Indian constitution deviated from the liberal framework. While it accepted and endorsed the twin ideals of autonomy and non-discrimination, it acted on the assumption that equal treatment to all religious and cultural communities could not be ensured by providing equal political rights or civil liberties to individuals. Consequently the Indian constitution devised a two fold policy. On the one hand it tried to ensure that no community is out rightly excluded or systematically disadvantaged in the public arena, on the other, it provided autonomy to each religious community to pursue its own way of life (Mahajan 1998: 4). She argues that if individual rights by themselves provide little protection against forces of cultural homogenization, then accommodating diversity through special consideration for vulnerable groups also neglects the primary concerns of individuals as citizens. It is only when both sets of concerns are suitably addressed that democracy is deepened and multicultural polities are nurtured and made more sustainable (Mahajan 2006:122).

In contemporary times, Will Kymlicka's conception of minority rights renewed the debate of individual versus group rights and argues for reformulation of political theory in the context of multiculturalism. India had its own historical tradition in accommodating the rights of individuals and community. The post independent India, and its constitution ensures the rights of individuals and communities in a broad liberal democratic framework. But the demands for special provisions/rights of oppressed communities, religious and ethnic minorities are often come for debate with the assertion of these communities. The majoritarian and privileged communities are forcefully negating the claims of these groups in the name of equality or uniformity as informed by liberalism. The complexity of the Indian situation in this regard was not theorized properly. Will kymlicka's claim of minority rights within the liberal context of the west may facilitate a revisit of the Indian situation through the political philosophy of Ambedkar. Ambedkar provides the framework for minority rights prior to the initiation of Will Kymlicka. Ambedkar has not only pointed out the weak foundation of liberalism of West but also recognized the specificity of the Indian context in adopting liberal wisdom. The way he negotiated individual versus group rights and political theories of liberalism, Marxism and communitarianism enriches our approaches to political theory. His notion of individual, community and religion is strikingly different from that of others in ensuring reason, justice and ultimately a moral community. Ambedkar's conception of rights for Schedule castes and Schedule tribes (Dalit rights) as minority rights provides a different kind of frame work to understand individual / group rights debated by liberalism and communitarianism. He treats Dalits as minorities in the majoritarian Hindu society. Dalit rights are viewed as group specific rights for dignity, self respect and development in all fields of life for the realization of fuller human beings. He further maintains that the State has to play a interventionist role to protect the rights of Dalits rather than being neutral.

Ambedkar: Dalit Rights as Minority Rights

Ambedkar argues for Dalit rights in the context where Dalits have no rights other than submitting to the majority Hindus. He puts a first condition to place depressed classes under a majority rule in self governing India : *The depressed classes must be made free citizens entitled to all the rights of citizenship in common with other citizens of the State* (Rodrigues 2002:369). He articulated Dalit rights in the name of rights for untouchables, depressed classes, scheduled castes and tribes in a given historical context. There is no doubt that Ambedkar was inspired by the ideals of equality, freedom and democracy prompted by liberalism. He finds the resources for these ideals in the Indian tradition. Equality and freedom are treated as core values of liberalism. Ambedkar supplies content to equality. In the west, the idea of equality is addressed

in a limited sense and is mostly confined to political equality. It is silent about economic equality. He extended the idea of equality to social and economic realms. He argues for equality in the context of the caste ridden society which is based on graded inequality. He argues for the equality of untouchable communities in terms of dignity and self-respect. In principle he argues for one man, one value and equality before law in a hierarchical society. At the same time he demands for special considerations for certain groups based on disadvantages, disability, subordination, oppression and injustice. As Valerian Rodrigues observed, Ambedkar was the first major theoretician in India who argued that consideration for the disadvantaged should be on the constitutive basis of the state. He developed a complex set of criteria to determine the disadvantage and attempted to specify its various gradations. Untouchability was one such socially engendered disadvantage in the case of Dalits. He further argues for a need for a system of safeguards for the disadvantaged in general and untouchables in particular (Rodrigues 2002:36). Ambedkar observed that the rights guaranteed by the state is not enough to protect the rights of Dalits Social and moral conscience is also required to protect laws. Ambedkar position is this that which is permitted by the society to be exercised can alone be called a right. *The right which is guaranteed by law but opposed by the society is of no use at all. The untouchables are in more need of social liberty than that which is guaranteed by law* (Pritchett 1988).

In addressing the rights of Dalits, Ambedkar poses Dalits as a minority social community. Ambedkar in *States and Minorities* (1947) explains the rights of minorities and argued for a mechanism to secure these rights in the Constitution of free India. Ambedkar's conception of minority to a certain extent goes in the line of Kymlicka. He differentiates minorities in two categories, religious minorities and social minorities. He treats Dalits as a social minority and provides a broader frame work for Dalit rights. He addressed the Dalit rights within the framework of liberal philosophical tradition, but differs from the way it is introduced in western liberal tradition.

In *States and Minorities* he argues for Dalit rights by considering them as cultural minorities against the Hindu majority. He was of the view that minorities – Muslims, Dalits, Anglo-Indians or Sikhs in the Indian context – ought to have greater representation in a legislative body than their actual share in the population if the minority were not to be 'crushed and overwhelmed by the communal majority.' He considers Dalits too as minority on par with other minorities such as religious minorities, Muslims, and Sikhs. This has to be read in the context where the state recognized and represented Muslims and Sikhs as minorities but failed to take note of Dalits as a distinct social group from Hindus. Even Gandhi strongly views Dalits

as a part of Hinduism and argues against any attempt to consider Dalits as a specific community. In his theoretical frame work, Ambedkar not only projects Dalits as a minority but also demands the state to ensure special rights for Dalits. He proposed that Scheduled Castes (Dalits) have to get benefit of fundamental rights of citizens, all the benefit of the provisions for the protection of minorities and in addition special safe guards.

Ambedkar defines and differentiates fundamental rights, minority rights and safeguards for the scheduled castes. He counters the various views about whether to consider scheduled castes as minorities or not. Ambedkar argued that scheduled castes are minorities in hindu majoritarian society. And at the same time he differentiates from other religious minorities and demands for special safeguards for scheduled castes. Ambedkar believed that rights are real if they are accompanied by remedies. It is no use giving rights if the aggrieved person has no legal remedy to which he can resort when his rights are invaded. Consequently when the Constitution guarantees rights it also becomes necessary to make provisions to prevent the legislature and the executive from overriding them (Ambedkar 1989:406). Ambedkar is of opinion that fundamental rights have no meaning unless the State protects the weak, and the marginalized. In a Hindu social order, Dalits are often discriminated in everyday life experiences both in private and public. Ambedkar argues that discrimination is another menace which must be guarded against if fundamental rights are to be real rights. In a country like India where it is possible for discrimination to be practiced on a vast scale and in a relentless manner, fundamental rights can have no meaning. The remedy follows the lines adopted in the bill which was recently introduced in the Congress of USA, the aim of which is to prevent discrimination being practiced against the Negroes (Ambedkar 1989:408).

Effective representation of minorities depends upon its being large enough to give the minority a sense of not being entirely overwhelmed by the majority (Ambedkar 1989: 420). For effective representation, he proposes separate electorates for scheduled castes. Against this demand, it is argued by critics that scheduled castes are not minorities but Hindus. And separate electorate will perpetuate untouchability and anti national feelings. Ambedkar replies that scheduled castes being not minorities is to misunderstand the meaning of the word 'minority'. Separation in religion is not the only test of a minority. Nor is it a good and efficient test. Social discrimination constitutes the real test determining whether a social group is or is not a majority. Even Gandhi thought it logical and practical to adopt this. On the question that scheduled castes are Hindus, he argues that, to make religious affiliation the determining factor for constitutional safeguards is to overlook the fact that the religious affiliation may be accompanied by an intense degree of social separation and discrimination. In this connection,

he argued that Muslims are given separate electorates not because they are different from Hindus in point of religion. Precisely, it is because the Hindus and the Musalmans are marked by social discrimination (Ambedkar 1989:422). Further it is argued that it is baseless that separate electorates for untouchables will perpetuate separation between them and Hindus. Ambedkar argues that to insist that separate electorates will create anti- national spirit is contrary to experience. Nationalism and anti nationalism have nothing to do with the electoral system. They are the result of extra electoral forces.

Ambedkar points out the advantages and privileges enjoyed by the majoritarian community of the nation against its minorities. The majoritarians opinions are considered as normal, secular and legitimate where as opinions of minorities are viewed as negative, illegitimate, anti national, narrow, communal and religious. By observing this, Ambedkar argues for the rights of minorities. He says that no country which has the problem of communal majority and communal minority is without some kind of an arrangement whereby they agree to share political powers. He provides South Africa and Canada as examples. Unfortunately for minorities in India, Indian nationalism has developed a new doctrine which may be called the 'Divine right' of the majority to rule the minorities according to the wishes of the majority. Any claim for the sharing of power by the minority is called communalism while the monopolizing of the power by the majority is called nationalism. Guided by such a political philosophy, the majority is not prepared to allow the minorities to share political power. Under these circumstances, there is no way left but to have the rights of the scheduled castes embodied in the Constitution (Ambedkar 1989:427-428).

Ambedkar concludes that whether scheduled castes are a minority or not has become a matter of controversy. However, the scheduled castes are in a worst position as compared to any other minority in India. As such they require and deserve much more protection than any other minority does. The least one can do is to treat them as minority (Ambedkar 1989: 428).

Ambedkar foresees the connection between rights, social order and economic structure. The purpose is to protect the liberty of the individual from invasion by other individuals which is the object of enacting fundamental rights. The connection between individual liberty and the shape and form of the economic structure of society may not be apparent to every one. Nonetheless the connection between the two is real. There is no economic independence for untouchables so long as they live in a ghetto as a dependent part of the Hindu village. Ambedkar further points out that the majoritarian Hindu religion as a code of life gives Hindus many privileges and heaps upon the untouchables many indignities which are incompatible

with the dignity and sanctity of human life (Ambedkar1989: 426). Ambedkar's conception of minority rights is very much connected with equality that goes against the unjust social order and oppression ascribed in the name of religion. In other words, his emphasis on recognition for difference or arguing for special provisions for Dalits in legislature, education and opportunities is very much internalized in the spirit of liberalism but adopted in the specific context of the Indian nation.

Liberal Democracy, Dalit Rights and Moral Theory

On the issue of recognizing the minority rights, the liberal theory has been facing challenges in contemporary times. The individual autonomy and obligations towards are incompatible to each other in the liberal frame work. There are several attempts to resolve these tensions in contemporary political theory. This has surfaced as liberal and communitarian debate and individual versus group rights. Moral theory played a critical role in evaluating the merit of each claim. In the West, Kymlicka made an attempt to accommodate group rights such as minority rights within liberalism. It is confined to cultural rights. In non-western nations such as India, the recognition of group based or community based rights has its established tradition in pluralistic society. Ambedkar provides deeper meaning for minority rights as a move towards equality and social justice in a liberal democracy.

In maintaining that his is a *liberal* theory of minority rights, Kymlicka is unambiguous in his commitment to "moral individualism"—the belief that what matters most from the moral point of view is the individual person (Mc Donald 1997:306). However, it should be emphasized that Kymlicka does not accept "ontological individualism," a version of individualism often associated with liberalism. Ontological individualists insist that human beings exhaust our understanding of social reality. At one level, moral individualism is little more than the acceptance of the view that our evaluative judgments are ultimately based upon what contributes to the quality of human life. As such, this position is not a complete moral theory in itself, but is "a necessary condition for the acceptability of moral theories." Thus, perhaps what makes Kymlicka's defence of minority rights distinctively liberal is that they are endorsed only "in so far as they are consistent with respect for the freedom or autonomy of individuals." Chandran Kukathas considers that Kymlicka's theory seems both to grant cultural minorities too much recognition and to give them too little. It gives them too much so far as liberal equality does not appear to sanction special rights, and it gives them too little insofar as regarding choice or autonomy as the fundamental liberal commitment disregards the interests

of cultural communities which do not value the individual's freedom to choose. If so, then it cannot mount a serious liberal challenge to the individualist view (Kukathas 1992:105-139).

On the other hand, Ambedkar's conception of democracy and the rights of Minorities or Dalits are different from that of the West. Ambedkar observed the failure of parliamentary democracy associated with liberalism in the West. He considers that the reason for discontent is due to the realization that it has failed to assure to the masses the right to liberty, property or the pursuit of happiness. The causes for this failure may be found either in wrong ideology or wrong organization or in both. He points out that parliamentary democracy in standing out as a protagonist of liberty has continuously added to economic wrongs of the poor, down trodden and disinherited class. The wrong ideology which has vitiated parliamentary democracy is the failure to realize that political democracy can not succeed where there is no social and economic democracy (Roudrigues 2002:62). As Ambedkar argues, social and economic democracy are the tissues and fibre of a political democracy. The tougher the tissue and fiber, the greater the strength of the body. He further argues that parliamentary democracy developed a passion for liberty. It never made even nodding acquaintance with equality. It failed to realize the significance of equality and did not even strike a balance between liberty and equality, with the result that liberty swallowed equality and made democracy a farce. Ambedkar accused western writers of being superficial and not providing the realistic view of democracy. Ambedkar proposed a written constitution for effective democracy. The habits of constitutional morality may be essential for the maintenance of a constitutional form of government. He puts more emphasis on moral society and its custom than the written legal law in governing people. He heavily invested on social morality for effective functioning of democratic form of government. The frame work for Dalit rights has to be viewed in this moral frame work and progressive liberalism. Ambedkar is critical about cultural practices which are oppressive, exploitative and process inbuilt violent by using the critical reason. He is critical about the Hindu community which does not recognize individual worth and capabilities. At the same time he proposes a moral community based on the principles of equality, liberty and fraternity. He believes that individuals make sense of their identity in a morality community and proposes reflexive individualism. Individual autonomy and identity are compatible in the normative political frame work of Ambedkar.

Conclusion

It can be said that Ambedkar's shares with Kymlicka the conception of minority rights and that minority groups have their own rights. It is the duty of the state to protect rights rather

being neutral. Kymlicka explores the minority rights within the western liberal tradition. In arguing for minority rights, he puts more emphasis on cultural rights of minorities. Ambedkar revised liberalism in the Indian context. In other words, he mediates both liberal and communitarian traditions. He recognizes the individual merit which is negated by the Hindu social order and the need to protect the rights of the oppressed groups from majoritarian hegemony. His conception of Dalit rights have evolved from utter helplessness, humiliation, discrimination and exploitation of the oppressed community by the dominant caste Hindu community. Unlike Kymlicka's minority rights which are more inclined towards cultural rights, Ambedkar's conceptions of cultural rights of minority/Dalits are very much linked with social and economic equality and political equality. He substantiates the value of equality and freedom. His conception of minority rights goes beyond western liberalism and offers one kind of liberal and democratic multiculturalism evolved from Indian experience. This may provide fresh insight to revisit the liberal and communitarian debate with reference to individual and group rights.

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The State of Human Rights in Jammu and Kashmir, 1989-2010

Surinder Mohan

Abstract

This article illuminates the unanticipated but intense waves of human rights abuses in Jammu and Kashmir (J&K) since the early years of insurgency. It analyses how the advent of insurgency brought in far-reaching changes to the State. The long-standing armed scuffle between the security forces and the rebels transformed the State into a hotbed of human rights abuses which, in turn, worsened the situation of its people. The alleged human rights violations by security forces, however, have always been on the international agenda, with overwhelming opposition of the Indian way of governance. But the militant's conduct got lesser notice. In this respect, this article sheds light not only on how the Indian troops were engaged in the series of violations, but also on the militant's abuses which equally took a heavy toll on the State's old humanistic culture of tolerance, brotherhood, and harmonious living.

Key words: Human rights violations, Kashmir, India, Pakistan, security forces, militants.

“Bodies. Blood. Death. Breath. Life. Every detail of our lives is filled with violence. Everyday is filled with violence.”

— A woman community member, Srinagar (Chatterji *et al.* 2009:87)

Is Jammu and Kashmir (J&K) a cold graveyard? This is what recent reports published by the Institute for Research on India and International Studies (IRIIS), the J&K State Human Rights Commission (SHRC), and the International People's Tribunal on Human Rights and Justice in Indian-administered Kashmir (IPTK) depict (see Behera 2012; Chatterji *et al.* 2009; Jaleel 2011).¹ The IRIIS report, prepared by acclaimed Kashmir expert Navnita Chadha Behera, claims that 48% of Kashmiri youth consider human rights violations in the state as the “topmost” outcry of Kashmiris. What made almost half of the Kashmiri youth to express the present state of affairs as “topmost outcry”? The SHRC's 17-page report, prepared by the special investigation team (SIT), finds shocking answers to this question. It reveals that in the last two decades 2,730 unidentified bodies had been buried in three districts of Kashmir valley: Baramulla, Bandipore, and Kupwara (Jaleel 2011; Hindu 2011).²

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After the disclosure of the SHRC report, the portraits of grief appeared in the national and local media which exposed the Union and State administrations' unflinching favour for draconian laws³ that have enacted Stalin's *modus operandi* in Kashmir: "Murder en masse and loss becomes a mere statistics". The SHRC report confirms:

It is beyond doubt that unmarked graves containing unidentified dead bodies do exist at various places in north Kashmir. The local police while handing over the unidentified dead bodies to locals for burial, was claiming them to be the dead bodies of unidentified militants but later on, out of 2730 unidentified dead bodies, 574 were identified as the dead bodies of locals by their next of kin at these 38 places visited by the investigating team (*Indian Express* 2011).

Since 1989, several journalists, scholars and independent human rights organisations - like the Amnesty International, the Committee for Initiative on Kashmir (CIK), the People's Union for Democratic Rights (PUDR), the People's Union for Civil Liberties (PUCL), the Human Rights Watch (HRW)—have provided substantial evidences that "thousands" of Kashmiris have disappeared in the State. They establish that India has indeed violated human rights in J&K where its security forces have raped and killed several civilians including rebels in custody by practicing torture as a means to extract information (HRW 1996, 1999, 2006a). Apart from the Indian troops' abuses, they have also taken note of violations committed by Pakistan sponsored militants (along with substantial evidences of equally horrendous human rights violations in Pakistan-administered Kashmir) (see *Hindu* 2000; HRW 2000b).

Now a majority in Kashmir accept that their rights were seriously violated in the last twenty years of chaos and sufferings. For these gross human rights abuses (such as extrajudicial, summary, and arbitrary executions, and fake encounters), they equally blamed the Indian troops and the terror-missionaries operating in the valley from Pakistan-administered Kashmir. Undoubtedly, the Indian security forces were involved in human rights violations but Pakistan, as an external force, also played a major role to increase such violations in order to highlight the Kashmir issue internationally. Pakistan's repeated failure to exploit India's weaknesses through diplomatic offensives made it adopt this posture (Wirsing 2002:92-95; also see Wirsing 1994; Puri 2008). Finally, one apparent fact in this muddled picture is that India, Pakistan, and the militants are all in violation of international human rights law, "with India, arguably, and militants being the worst offenders" (Kapur and Narang 2001).

The purpose of this article is to present a full picture of human rights violations in J&K by showing the real players of these violations. In general, a majority in the international domain assumes that Kashmiris are suffering only from Indian security force's misconduct rather than native and foreign militia, mainly supported by Pakistan. In order to clear misperceptions, this article is divided into three sections. The first section delves into a brief political history of the state to trace out the causes of initiation of insurgency, pointedly

between 1986 and the early 1990s. The second section explains the violations of human rights by the Indian security forces and the final section provides an account of violations and abuses committed by the militants.

A Brief Political History

In 1986, the National Conference (NC), J&K's major political party, hammered out a deal with the opposition that defied the basic logic of Kashmiri politics.⁴ Before the expiry of governor's rule, it signed a pact with the Congress party to contest the 1987 state elections. As a result, the then Prime Minister Rajiv Gandhi and Farooq Abdullah reached an understanding of forming a coalition government if they won. When the two largest parties—the NC and the Congress—joined together, there was no opposition left to stand against their “grand deal”. As a consequence, the people of Kashmir lost their hopes in democracy due to this “tactical alliance”. Stein Widmalm clarifies why this alliance was “tactical”:

The term tactical alliance usually refers to a temporary coalition or the cooperation of two parties who are considered to differ too much ideologically for a permanent amalgamation. This definition...certainly applies to the National Conference–Congress (I) alliance, considering the historical legacy and the previous antagonism between the two parties. But at the same time this was something more... [Because in J&K both parties were]...the main opponents in a two-way dominated system that merged and the aim...was to try to create a political [cartel] to capture all the votes (Widmalm 2002:74).

Left with limited options to react against the alliance, the people of Kashmir were mobilised by the MUF, a coalition of Islamic groups in response to the cartel. This development, however, was as unexpected as the Farooq-Rajiv alliance. The pro-autonomy People's Conference succeeded in drawing anti-NC and anti-Congress forces under the banner of the MUF. The coming together of ideologically contrary entities—the NC and Congress—forced opponents to align firmly under the MUF. However, after observing the strong support amongst the masses for the MUF, the NC-Congress alliance returned to the old “power-politik” tactic of rigging elections (Noorani 1992:272; Varshney 1992:220). Thus, although the alliance managed to gain a huge majority, it lost the people's trust in both democracy and Abdullah's successor Farooq.

Thereafter, this outcome gave an unimaginable twist to the Kashmir issue, which pushed the state to endless violence and human rights abuses. Later that year, following the “electoral looting”, riots broke out in Kashmir against the Farooq-Rajiv conspiracy. After losing hopes in the “doomed democracy”, the MUF members quit the legislative assembly and formed an extremist organisation called the *Hizb-ul-Mujahideen*. These events encouraged several youngsters to cross “the ever-porous Indo-Pak border” to join “the extremist groups”. A

year later with Pakistan's consistent support, the leadership of the insurgency arose from some of the contestants of the 1987 elections (Varshney 1992:220). These militant groups started their operations in the valley. Soon political violence rapidly spread to the rural areas, leading to the large scale exodus of Kashmiri Pandits (Koithara 2004:63; also see Schofield 2000:245 Ref 8; Evans 2002:20). In this climate of spiralling political violence, the pro-India leaders, among the Kashmiri Muslims, were sidelined or eliminated by the insurgents for being "soft" on India. On February 19, 1990, Jagmohan, who was brought back as Governor in the state, dismissed Farooq Abdullah's government and imposed presidential rule. This unconstitutional action further led to protests, demonstrations, large scale arrests and police firing (see Desmond 1995:5-16).

Violation by the Security Forces: A Regime of Terror

To eliminate extremism in J&K, Jagmohan adopted coercive means to force Kashmiris into submission. On the name of combating Pakistan sponsored terrorism, the Indian security forces gravely inflicted injuries to the Kashmiri people under his administration which bruised their psyche and made matters worse (Noorani 1992:273). As a result, a long spell of repression began with curfews, shortage of food supplies, road-block checks with beating, regular warrantless searches (usually in the middle of the night), intimidation, verbal abuse, humiliation, widespread torture, rape, arbitrary detention, and shootings at non-violent public processions and in the market areas by the security forces, often in panic response to militants. Several journalists noted this hammering hand of the administration (see Behera 2007:48-49, 148; Quraishi 2004:56). In short, the ignorance of human rights and sharp rise in human rights violations prevailed during Jagmohan's governor rule.

One can analyse his bent of mind from his public or recorded statements: "Unfortunately, in public affairs, you have to put up with the lesser evil to eliminate the greater evil, and events do not always take the direction that you intend" (Jagmohan 1991:18).⁵ Likewise in an interview he said, "the bullet is the only solution for Kashmiris. Unless the militants are completely wiped out, normalcy cannot return to the Valley" (Jagmohan 1990). According to Riyaz Punjabi, Jagmohan's perception regarding Kashmiris was like this: "if you are a Kashmiri, you are a Muslim, you are pro-Pakistani and you have to be dealt with accordingly" (*India Today* 1991:84). These words clearly reveal how much the state machinery was concerned about the cause of peace where the chief administrator himself assumed every Kashmiri to be a "militant". A popular Indian magazine portrays the situation in the State under Jagmohan:

Jagmohan's policy of inflicting collective punishment on a disloyal population backfired. He failed to observe a thin though vital distinction between *militants*, *sympathisers* of militants, and *innocent civilians*... This proved to be disastrous; it

pushed the populace to becoming anti-Indian and turned the most apolitical Kashmiris into active supporters of militancy (*India Today* 1991:84).

Furthermore, in addition to the Armed Forces Special Powers Act (AFSPA), the counter-insurgency law such as the Jammu and Kashmir Disturbed Areas Act (JKDAA) was enacted and the security agencies were given draconian powers to detain and interrogate civilians. Since it was virtually impossible to identify the militants, who had local support, the civilians were subjected to terrible abuses (Idris 2007:210). Under these special acts, the Indian army and other state forces carried out large numbers of summary executions, custodial killings, torture, disappearances, and arbitrary detentions (Agrwaal 2007:1814-18, 1815-17; HRW 2006a:21; also see HRW 1996, 1999). Consistent violations by the state machinery finally provoked the Kashmiri youth. In its report, the HRW found that many former militants accepted that they joined the armed groups because they were furious at the violations and wanted revenge for the atrocities unleashed by the security forces against their family members. With the passage of time, the Kashmiri outfits armed contention gradually changed from independence to a war grounded on Islamic terms (HRW 2006a:21-22). This was duly recognised by media:

The ‘tough’ policies adopted by...governor Jagmohan has not only proved counterproductive but has further alienated the people of Kashmir...[who] have been virtually driven to the ‘terrorists’ fold due to [the] hatred generated by the repressive measures of the state administration (*Hindustan Times* 1990).

Under these circumstances, almost every human rights organisation, political activist, party, and journalist was hesitant to reveal or take the cases of *open* violation of human rights. Under such a grim situation, even the state courts were helpless (*Times of India* 1992). During the initial phase of insurgency, India maintained that the public had absolutely no idea regarding the grim nature and extent of human rights violations in J&K. In April 1990, however, some political activists dared to publish human rights violations report on Kashmir which finally broke the conspired *silence* (Tarkunde *et al.* 1990; Puri and Mohan 1990:690). Similarly, in his book, *Kashmir: Insurgency and After*, Balraj Puri revealed the inner situation of human rights in the early nineties: “Apart from the unofficial censorship imposed by the government, there was a self-imposed censorship that stemmed from so-called patriotic considerations” (Puri 2008). On many occasions, most of the human rights and civil liberties organisations used to ignore civilian complaints against the gross violations or excesses committed by the security forces and administrative authorities (see Joseph 2000:41-55). Puri maintains that initial reports from local activists were “received with hostility in the rest of the country”. After sometime, some independent international organisations visited Kashmir and discovered more facts and figures of gross violation of human rights. This vital and bold step broke “the conspiracy of silence on the issue of human rights violations” and “mellowed down” nationwide hostility (Puri 2008:77).⁶

These organisations noticed that on several occasions armed personnel have “pressed a trigger on hearing an anti-India slogan or seeing a desecration of the national flag, without realising that a democratic country like India should tolerate non-terrorist and peaceful expression of secessionist ideas” (Puri 2008:77). Under this state of affairs, Jagmohan’s administration came under increasing criticism and eventually, five months after his re-appointment, New Delhi forced him to step down by appointing a new governor, Girish Saxena (Desmond 1995:8). However, Jagmohan refused to acknowledge that human rights violations took place under his tenure. He insists that the militants, propaganda outfits, and the rumour mills always worked extra time in churning out stories of excesses and atrocities under his period (Jagmohan 1991:18). But Partrica Gossman’s account of events contradict Jagmohan’s version:

[In order]...to crush the militant separatist movement in Kashmir, Indian [security] forces have systematically executed hundreds of detainees in custody. These executions are not aberrations; they are not the occasional excesses of overzealous security officers. These killings are calculated and deliberate, and they are carried out as a matter of policy. Summary executions, frequently called custodial deaths, have increased considerably... as government operations have intensified. In most cases, the detainees are taken into custody during cordon-and-search operations. Those pointed out by hooded informants are detained for interrogation; routinely, a number of the detainees are murdered in custody within hours of their arrest. Because such tactics are believed to have been successful in crushing Sikh militants in Punjab, the policy is often referred to as the ‘Punjab solution’ (Gossman 1995:67).

In mid-1992, the government launched a “catch-and-kill” policy to execute captured militants under operation Tiger and Shiva (Asia Watch and Physicians for Human Rights 1993:2). Under these drives, several outrageous cases of human rights violations occurred without any verbal or physical provocation which resulted in the killing of several “unarmed and innocent persons”. Moreover, security forces failed to make a distinction between civilians and militants. By using excessive force in the name of militant encounters and cross-firings, Indian troops were involved in “unprovoked killings” (Puri 2008:79) through retaliatory assaults against civilians, i.e. by opening fire in overcrowded bazaars and residential colonies (Gossman 1995:67). Likewise, a number of such incidents can be quoted when without warning, the security forces fired on peaceful or less-provocative processions. Whenever people became disillusioned and angry with Pakistan their sentiments were submerged by some tactless act of the Indian troops. An example in the light is the confiscation of Hazratbal from militants. The success of the security forces in ending the siege of the Hazratbal brought appreciation for New Delhi from all over the world but the killing of 50 persons at Bijbihera soon after did more damage to the goodwill that India had earned (Puri 2007). In many incidents, the security forces failed to understand the nature of processions. For example, in May 1990, people were angry with militants who, according to popular perception, were

responsible for the murder of Mirwaiz Maulvi Farooq. But their anger was diverted against India when Farooq's funeral procession was fired on by the security forces which killed 60 mourners (Puri 2007). In a similar way, the security forces failed to understand the nerve of several processions and diverted Kashmiris against India!

Even in 1998, the Muslim community was visibly shocked when militants killed 26 Kashmiri pandits at Wandhama. But the next day, the security forces killed seven Muslim youth in Kishtwar. To show its solidarity with Kashmiri Muslims, Pakistan exploited this incidence by giving a call of *bandh* in J&K and Pakistan. Thus Pakistan tried to submerge the sense of shock of Kashmiri Muslims by a wider Muslim protest. The series of mass killings of Hindus in Jammu region similarly loaded the Muslim population with a sense of guilt. But the counter-killing of 19 Muslims in Surankote unloaded their guilt and thus, in a way, facilitated the task of militants to extend their activities. The government's efforts to justify these abuses as legitimate responses to militant action, like their odd duty and complex work culture, completely fly in the face of international law (see HRW 1994; Puri 2007). Another justification is that militants commit worse excesses and that is why security forces do so too! It has been argued by the official sources that some of the incidents were deliberately provoked by militants and their masters in Pakistan to embarrass India. Over these irrational justifications, Balraj Puri asks:

Why then should the security forces imitate them to damage their image and that of the nation? Why should a law enforcing agency compare its conduct with those who defy the law? And how do two wrongs make a right?... Why should Indian security forces always fall into their trap? (Puri 2008:80-81).

This unending cycle of human rights violations in J&K made Western governments, international organisations, and media to raise voice against growing human abuses in the State. Such multi-channel criticism finally forced India to take progressive steps to improve human rights situation and discipline its security forces. The appointment of the National Human Rights Commission (NHRC) in 1993 was a step in this direction. Even though it takes *suo moto* cases besides special proceedings, many of its inquiry reports were never made public on the plea that they might demoralise the security forces. By saving the pride of security forces, New Delhi lost its credibility in the hearts and minds of Kashmiris. Despite the gravity of crimes committed by the security forces, for example the 2009 Shopian rape case, New Delhi's hesitation to take prompt action against violators made the Kashmiri community feel that Indian government believes in discrimination, i.e. Kashmiris are *sub-citizens* whose rights are second rated. A recently published IRIIS report on the Kashmiri youth, *A Perception Survey of Media Impact on the Kashmiri Youth*, establishes that 54% youth participated "in rallies to protest against the Shopian rape case of Kashmiri women" and in total 70% of them took part in bandhs and strikes. This report found that the intensity of protest in the Shopian case was far more severe than the summer agitation/violence of 2010, in which 41% youth participated in

protests (Behera 2012:38). Even such huge protests failed to pin-down New Delhi to deliver timely justice because it “cares and values only security forces morale than those who are suffering, since independence, in several ways under different circumstances” (Mohan 2010).

To address such concerns, Emma Nicholson’s report to the European Parliament urges that the SHRC and NHRC should exercise their “full mandate with regard to any suspected or documented violations” with “greater credibility” and put an end to all practices of extrajudicial killings, disappearances, torture and arbitrary detentions in J&K (Nicholson 2007). In similar manner, in order to strengthening the SHRC and NHRC, the local media too stressed “to introduce [a] system of fast track courts” as an interim measure for the “cases of human rights violations” and the “creation of an independent and autonomous ombudsman for deliverance of justice in each case of human rights violations” (*Kashmir Times* 2008).

In September 2001, the Andhra Pradesh Civil Liberties Committee (APCLC), the Human Rights Forum (HRF), the Organisation for Protection of Democratic Rights (OPDR), the People’s Democratic Forum (PDF), and the People’s Union for Democratic Rights (PUDR) jointly published a 60-page report: *Grim Realities of Life, Death and Survival in Jammu and Kashmir*, based on inquiries by an 11-member team which undertook a tour of the State from 22 to 31 May 2001 (Ghosh 2002). It documented the sad plight of the State’s human rights commission and documented cases of vengeance killings by the security forces, use of civilians as human shields, rape and molestation of women, custodial killings, fake encounters, and torture (Noorani, 2002:1081-1082, 1082). In this regard, on July 8, 2008, the European Parliament passed a resolution on Kashmir which also included these violations. It stated that: “hundreds of unidentified graves have been discovered since 2006 in Jammu and Kashmir and...at least 940 persons graves have reportedly been found in Uri district alone... [The] estimates on numbers of persons having gone missing since 1989 vary greatly between associations of families of victims speaking of more than 8000 and the Indian central and state authorities claiming less than 4000” (European Parliament 2008).⁷ For the sake of argument, let us accept the union and state authorities’ claim that since 1989 only 4000 persons are missing. Is this figure tiny to come into sense?

Similarly, Jammu and Kashmir Coalition of Civil Society (JKCCS) carried out a survey of killings in Baramulla during the period 1989-2006 between 2003 and 2006. Their estimate shows that the death toll since 1990 is “70,000”. This figure, however, has been turned down by Indian administration as an exaggeration. In this respect, the JKCCS accepts that “Not all of the 70,000 victims...died at the hands of Indian forces. Many were victims of militants”.⁸ To understand the cause of deaths, this survey extensively classifies the deceased into various categories. In recent past, during 2008-10, some shocking cases appeared in the public domain when the Indian army was caught red handed. In order to get speedy promotions and cash rewards, as the media reported on April 30, 2010, some security personnel engineered a fake encounter and killed three young Kashmiris: Shafi Lone, Riyaz Lone and Shahzad Khan. While

protesting against these atrocities Tufail Ahmad Mattoo, a 17 years old 12th class student, was killed by police negligence. Soon after these killings, the Kashmiris began protests for justice which, in fact, resulted in massive loss of human life. More than 124 youth lost their lives! While tracing the history of human rights violations in the State, it is obvious that these unfortunate killings are not foremost of its kind. These are just a few fresh cases that draw our attention to the security forces impeccable legacy of unlawful killings in Kashmir. In this respect a researcher asks:

How and why Kashmiris should believe that India is serious to do more to heal their wounds, ameliorate their trauma and reverse their sense of alienation when it justifies the unlawful killings [on] the one hand and gives false promise of equal citizenship in a truly plural and secular society on the other? (Mohan 2010).

In panic mode, however, some security forces came with their figures which show the quantum of punishment awarded to each offender. But the civil society raises serious doubts about the authenticity of these in-house figures and real conduct. They argue that such concerns should be addressed by neutral bodies like the NHRC, and offenders name should be transferred to civil courts after inquiry. According to the law, the accused should spend their prison term in civil jails. By examining the present scenario of human rights violations, Puri warns that Kashmir is much more than a dispute over real estate, a matter of national prestige, or a threat to Indian secularism. If the country continues to remain desensitised to the human tragedy, that is Kashmir, with lakhs of persons becoming refugees in their own land, and to the mounting toll of precious human lives, then the very existence of India as a civilised entity will be gravely threatened (Puri 2008:3).

Puri's alarming warning has been moderately put forward into realistic frame by Verghese when he suggests that New Delhi needs to do a lot more in ameliorating trauma, healing wounds, and reversing the prevailing "sense of alienation" from Kashmiri hearts in order to establish a sense "that they are equal citizens of a truly plural and secular society" (Verghese 2007:53-54).

Violations by Militants

The United States based human rights organisation, the Asia Watch, a former Asian division of the HRW, is in the forefront to criticise the Indian security forces due to their low profile record of human rights. But it also takes note of violations or abuses of militants and their lack of accountability. Like many other independent organisations, it also sees human rights in totality with its eyes to the massacres and rapes committed by the militants (Singh 1995:50). According to Asia Watch, an attack on non-combatants violates international human rights and humanitarian law. It reports:

The militants have used their increased military and political power to engage in abuses against civilian population. These groups have systematically violated international humanitarian law by engaging in summary executions, kidnappings, threats and assaults on civilians (Asia Watch 1991:24).

In a similar vein, the HRW (2006a:118) report observes:

[Militant groups], as well as government forces, are obliged to abide by international humanitarian law. While attacks by...[militant groups] on military targets violate domestic law, they are normally not violations of international law. Attacks against civilians and civilian objects, attacks that do not discriminate between military targets and civilians, and attacks on military targets that cause disproportionate loss of civilian life are prohibited. Killings of government officials, politicians, and civilians assisting the authorities, and who are not directly participating in the hostilities, are thus unlawful.

During the violent phase in the valley, several militant organisations fighting for Kashmir's independence or its accession to Pakistan committed grave human rights abuses. They repeatedly violated international humanitarian law by killing civilians, who did not take part in armed hostilities. Though sufficient figures are not available, several first hand reports of interactions with rural masses establish that the militant attacks caused them grave losses. In the early years of extremism, common Kashmiris had no idea that someday these extremist forces would turn against them. Now even Kashmiri leaders acknowledge that their so called freedom fighters were involved in gross abuses, similar to those alone committed by the Indian security forces (HRW 2006a:118). Militants have even killed prominent members of the political parties: the NC, the People's Democratic Party, the Congress and other small parties, leading members of the religious communities, and persons suspected of collaborating with the Indian government (see HRW 1994;Gossman 1995:69-70). Moreover, due to militant atrocities against Hindus in Kashmir, the demographic pattern of the State was widely changed (see Ganguly 1996:76-107). Many Hindus were targeted by threats, acts of violence, harassment, and killings, which forced many to leave Kashmir valley. As a result, roughly 100,000 to 250,000 Kashmiri pandits migrated from their birth-place and sought shelter in Jammu and Delhi.⁹ Likewise, a sizeable population of Muslims and Sikhs have also fled from the valley (Singh 1995:50; Gossman 1995:70). After 2002 assembly elections through 2010, however, the violations by the militants have shown a distinct downward trend (Verghese 2007:52-53).

The militant abuses have been seldom carefully documented despite their scale and frequency. Several reports maintain that the prime reason for this loophole is that the militant groups are not state actors. Even the SHRC concentrates only on abuses by the state agencies and neglects those by militants. The human rights violations by militants have been rarely opposed as vociferously as those committed by the Indian security forces. A key reason behind

this silence is the people's hesitation to cooperate as well as hesitation to discuss these matters in the public sphere (Verghese 2007:118).

In the initial phase, the armed nationalist and secessionist wave was quite successful in Kashmir.¹⁰ But when Pakistan backed militant groups overtook Kashmiri groups in the mid-1990s, they began murdering civilians by claiming that they were collaborators or informers of the security forces.¹¹ Some militant groups were even engaged in extortion; kidnapping; random firing on crowds; bomb attacks on civilians; and committing rapes (Gossman 1995:69). Their abuses were brutal and consistent against anyone who opposed their agenda. To give some examples, in July 2004 militants barged into the home of fifty-five year old Mohammed Shafi and decapitated him because they thought he was a police informer. They also beheaded his twenty-two year old son and fifteen year old daughter (*Reuters* 2004). In August 2004, Ghulam Hussain, his two sons, and a daughter were shot dead. According to the police, the militants have targeted Hussain's family because his third son, who was not at home during the attack, was with the state police (*BBC News* 2004).

Due to the transformation of the militant movement from Kashmiri nationalism to religious fundamentalism, Pakistan supported militant groups tend to be more fanatic, brutal, and desperate. These outfits did the grave digger's work by isolating population on ethno-religious grounds. They began the most egregious abuses against the members of religious and ethnic minorities, something for which many Kashmiri Muslims were worried. They were responsible for a long string of bombings, massacres, and attacks on schools and minority Hindus and Sikhs. Some examples include the killing of almost the whole population of Kashmiri pandits (23 out of 24) in Wandhama in Ganderbal area on January 25, 1998; 29 Hindus were killed in Udhampur district including children; 20 Hindus were killed in Kishtwar on July 22, 1998; 35 Sikhs were killed in Chhatisingpora village of Anantnag on March 21, 2000 (Bearak 2000); and 10 Hindus were murdered in Rajouri district two days after the massive earth-quake of October 8, 2005 (HRW 2006a). In 2003, 24 Hindu Pandits were killed in the Valley which forced their relatives to migrate to the Hindu belt of Jammu region. The most recent massacre took place in May 2006, when thirty five Hindus were killed in remote hamlets of Doda and Udhampur districts (Pahalwan 2006). In all the above cases, the victims' only crimes were that they were either Sikhs or Hindus (Puri 2008:85). In the post-2006 period, some human rights organisations, like the Amnesty International, reported a steady decline in human rights violations by the state agents, but they observed a steady increase in the militants' violence. The Amnesty International held militants responsible for the mass exodus of Hindus from the Valley and the killing of 350 Hindus and Sikhs in the last six years (Puri 2006).

Kashmiris who helped the armed forces, particularly special police officers (SPOs)¹² and members of the Village Defence Committees (VDCs),¹³ have been particularly targeted. On August 13, 2005, alleged militants attacked families of the VDC members and killed five people and wounded nine others (see *Reuters* 2005). On August 9, 2005, the body of SPO

Zubai Ahmad was found hanging from a tree near his home after he was abducted. On April 25, 2004, alleged militants beheaded the wife and eight-year old daughter of SPO Ghulam Hassan Qureshi in Baramulla. As militant groups lost ground to the security forces, they began indiscriminate use of bombs, grenades, landmines, and other explosive devices with predictable civilian casualties. According to the *Landmine Monitor*, at least five militant groups have used such devices.¹⁴ For instance, on November 3, 2005, six people (including four civilians) were killed and over twenty injured in a car bomb explosion by the Jaish-e-Mohammad in Srinagar (Bukhari 2005). Two weeks later, during the public meeting of PDP leader Ghulam Hassan Mir, a grenade attack killed four people in Baramulla (*Indian Express* 2005). Further, in May 2006, militants launched a number of grenade attacks in an effort to disrupt a conflict resolution conference organised by Prime Minister Manmohan Singh that injured twenty-three civilians. On May 22, 2006, two militants opened fire at the Congress party rally in Srinagar and killed six persons and injured thirty-five others (Bukhari 2006).

Attacks on Media

Militant groups are also responsible for the killing of journalists and media supporters, who usually play a vital role to bridge the society. In the last 20 years, many journalists connected with government media, private media, and independent publication houses lost their lives during duty (Kaul and Teng 1992:179). Militant groups pressurised the media to write in their support and mobilised people in their favour. The editor of *Al Safa*, Subhan Vakil, and journalist of a local news agency, Parvez Mohammad Sultan, failed to comply with their demands and were gunned down. In a similar way, militants ordered *The Indian Express* correspondent to leave the Valley. Militant groups fined *The Srinagar Times* and *Al Safa* for anti-militancy reporting (Puri 2008:84). On many occasions, several journalists conveyed that they had received anonymous threatening phone calls from alleged militants over disagreeing with the description of events in their news reports and in response they demanded coverage of their aims and objectives. About this complex situation and anonymous threats, journalists maintained that they “can never be sure if these callers are legitimate, nor can [they] afford to ignore them because that would mean risking [and] annoying the militant groups”. Similarly, several cable television operators, beauty salons, and Internet booths were targeted for promoting “immorality”. In May 2006, even some cable operators were ordered not to broadcast specific channels (HRW 2006a:121-22). Pakistan based Harkat-ul-Jihadi-Islami even ordered women to stop using mobile phones and visiting public parks (*Indian Express* 2006). Some militant groups went one step further and punished some women for not adopting Islamic dress codes as demanded by them.

Conclusion

Recent incidents of human rights violations and reports of unidentified graves are yet another set in the unending episodes of decade old chain of fake encounters, disappearances,

arbitrary detentions, and custodial killings in J&K. Since the emergence of insurgency in the State, thousands of Kashmiris have been killed at the hands of security forces and militants. Unquestionably, the scale of human rights abuses committed by Indian troops in the State “ranks among the worst anywhere in the world” (Gossman 1995:66). To grasp the current state of human rights in J&K, the SHRC report gives a correct description, especially by quoting the former British Prime Minister William Gladstone: “Show me the manner in which a nation cares for its dead and I will measure with mathematical exactness, the tender mercy of its people, their respect for the law of the land and their loyalty to high ideals” (cited in Jaleel 2011).

According to unofficial sources, more than 49,000 Kashmiris had been killed since early 1990s. However, the records maintained by hospitals, journalists, and lawyers vary with this figure, they record this figure to be around 70,000. In the last two decades or so, over 1,55,000 Kashmiris had been made homeless and destitute through deliberate acts of arson and wanton destruction and another 1,30,000 people, both Hindus and Muslims, have been displaced.¹⁵ These events, especially the exodus of the bulk of Kashmir’s vital Pandit minority, badly wounded and fractured the Kashmiri identity. However, the state is trying to overcome the trauma of two decades of terror, but the issues of human rights violations are still erupting and New Delhi has not learnt how to undo it. Despite knowing the gravity of heinous crimes committed by the security forces, New Delhi has not taken rational steps to curb these malpractices. To win the hearts and minds of Kashmiris, the government, as an accountable law enforcing agency, should adopt a genuine process to address the issues of human rights violations in a time-bound manner.

On several occasions, the Western governments, mainly the United States and European countries, have opposed the Indian way of governance and criticised the wide-spread breakdown of legal system in J&K. This hard-pressing yielded magnificent results. Now India’s status, as an emerging power, is growing sharply; but this tectonic shift in power does not mean that the international community should step back from its humanitarian duty. It should remind India that as a party to both the Geneva Convention and the International Covenant on Civil and Political Rights, it has not only an obligation to respect the international norms of human rights but also to enforce them.¹⁶ In order to get productive results, the international community have to accelerate different channels to convince Pakistan, the primary supporter of various militant organisations, and India to improve the condition in Jammu and Kashmir and implement Article 21(1, 3) of the Universal Declaration of Human Rights (UNGA resolution, 1948).¹⁷

Notes

1. Also see Ashvin Kumar directed documentary: *Inshallah, Kashmir: Living Terror* (2012). This documentary is a very good compilation of human rights violations in Kashmir. It is sequel of *Inshallah, Football* (2010) and is freely available online.

2. There were 21 unmarked graves in Baramulla, three each in Bandipore and Handwara and 11 in Kupwara. The probe said it established 851 unidentified bodies in Baramulla, 14 in Bandipore, 14 in Handwara, and 1277 in Kupwara.
3. To note a few of them, the Armed Forces (Special Powers) Act, the Terrorist and Disruptive Activities (Prevention) Act, the Preventive Detention Act, and the National Security Act.
4. Most of this section draws on one of my earlier writings. See Mohan (2012: 88-116).
5. For his version of reason for human rights violations in Kashmir see Jagmohan (1991: 342).
6. Soon after this, almost all parties raised the issue of human rights violation in Kashmir except BJP. Rajiv Gandhi, V. P. Singh, Chandrasekhar, Rajesh Pilot, and others were prominent among all who raised or admitted the widespread violations of human rights in Kashmir.
7. European Parliament's resolution holds that: (1) 'whereas hundreds of unidentified graves have been discovered since 2006 in Jammu and Kashmir and whereas at least 940 persons have reportedly been found in 18 villages in Uri district alone'; (2) 'whereas the Srinagar-based Association of the Parents of Disappeared Persons (APDP) issued a report on 29 March 2008 indicating the existence of multiple graves in localities which, because of their proximity of the Line of Control with Pakistan, are not accessible without the specific permission of the security forces'; (3) 'whereas the grave sites are believed to contain the remains of victims of unlawful killings, enforced disappearances, torture and other abuses which occurred in the context of armed conflict persisting in Jammu and Kashmir since 1989'; (4) 'whereas estimates on numbers of persons having gone missing since 1989 vary greatly between associations of families of victims speaking of more than 8000 and the Indian central and state authorities claiming less than 4000'; (5) 'whereas a state police report of 2006 confirmed the deaths in custody of 331 persons and 111 enforced disappearances since 1989; and (6) 'whereas human rights violations committed by the armed forces of India continue in an atmosphere of impunity despite the government of India's commitment in September 2005 not to tolerate human rights violations in Jammu and Kashmir any longer'.
8. See Jammu and Kashmir Collation of Civil Society, 2007, http://www.ipcs.org/Aug_07_kashmir.pdf (accessed April 25, 2008), 31-41.
9. The government's role in facilitating the exodus is a matter of considerable controversy. However, several scholarly works and reports claim that the government of the day played a considerable role in pandits migration, particularly the part played by former Governor Jagmohan. To explore all angles of this controversy, see Verma (1994: 254); Ganguly (1997); Evans (2002: 21-25).
10. In the late 1980s, the secessionist movement in Kashmir began to take root with two types of indigenous militant groups: Islamic and secular. The *Hizb-ul Mujahideen* was based on the Islamic ideology and wanted Jammu and Kashmir to join Islamic Pakistan on the basis of religion. The other was the Jammu and Kashmir Liberation Front (JKLF). It was advocate of the creation of an independent state of J&K which means that J&K should succeed from India, and *Azad Kashmir* and Northern Areas from Pakistan followed by their unification as a single independent entity. In sum, it propounded the idea of an independent, sovereign, secular, and democratic Jammu and Kashmir on the grounds of ethnicity. For fuller explanation, see Bose (2003); Behera (2007); Ganguly (1996); Varshney (1992).
11. Pakistan based prominent group was Harqat-ul-Ansar. It was mainly represented by Pakistani Punjab and foreign militants (mainly Afghan Mujahideens). In initial days, it played crucial role by diverting Kashmiri movement from "independence" to pro-Pakistan not only by killing innocent Kashmiris but also by pressurising Hizbul-Mujahideen to kill JKLF's prominent leaders and workers.

12. Special Police Officers (SPOs) are Kashmiris hired on fixed-term contracts to work in and around the areas they belong to. As such, they not only act as conventional troopers but liaise between the community and the police force.
13. Indian security agencies have organised groups of villagers, many of them minority Hindus, in the remote areas into village defence committees and provided them arms and training to protect themselves against the militant attacks.
14. The Landmine Report 2005 says that at least 5 militant organisations were using anti-personnel mines. See <http://www.icbl.org/lm/country/india> (assessed March 19, 2008).
15. *Kashmirnet*, <http://www.kashmir.co.uk> (accessed September 6, 2007).
16. For example, the state government seldom implements the recommendations of the SHRC. In July 2006 the then Chairman of SHRC Justice A. M. Mir resigned due to “growing human rights violations in the state and non-implementation of commission’s recommendations”. In his resignation letter to the Governor, Lt Gen (Retd) S. K. Sinha, Justice Mir stated that the SHRC was “eyewash to befool the world community... During my tenure, not a single recommendation made by the Commission was implemented. [The] SHRC has not been able to accomplish the object for which it was established. I waited for long in the hope that my efforts might yield some results (see Asian Center of Human Rights 2010).
17. On December 10, 1948 the General Assembly of the United Nations adopted and proclaimed [resolution 217 A (III)] the Universal Declaration of Human Rights in which Article 21 states that:
 1. *Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.*
 2. Everyone has the right of equal access to public service in his country.
 3. *The will of the people shall be the basis of the authority of government; this will/ shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures [Emphasis added].*

For full report see, URL: <http://www.un.org/Overview/rights.html>

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Business Booms beyond Borders: A Case of India and Myanmar

Ningthoujam Priyananda Singh & Bushan D Sudhakar

Abstract

Indo-Myanmar Cross Border Trade through Moreh, a border town in Manipur was formalized from 12 April 1995, after the signing of a trade agreement on 21st January 1994 as part of bilateral trade relations between the countries. No doubt, with the process of liberalisation and globalisation only international trade can help to expand the size of the markets and attract foreign direct investments (FDI) so as to increase the economic growth and development of North East Region of India which is far off from the main manufacturing, ports and trade centre of the country. So, Indo-Myanmar Cross Border Trade is very much important for the economic development of North East Region and it can be extended as a successful way to enhance India's 'Look East Policy'. Besides, the proposed transnational highway is expected to give the desired boost to trade and connect with Thailand and other ASEAN countries through Myanmar. The present paper attempts to assess and understand the significance of Indo-Myanmar Cross Border Trade to the North East Region of India with special reference to Manipur as the Main Trade Centre Moreh is in the state and it's the gateway to South-East Asian markets.

Key words: Cross-Border Trade, FDI, Indo-Myanmar Relation, Look East-Policy, Trade Volume

Introduction

Trade is the backbone and life blood of economic growth and development for any country. No country can survive without trade in today's liberalisation and globalisation eras. The importance of trade is appreciated within the framework of comparative advantage of a the region/country concerned. But trade is much more important to the land locked backward North East region of India which is characterised by low income, industrially backward and small size markets that fail to absorb sufficient volume of output which in turn leads to low incentive for inflow of investment.

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The North East region of India¹ shares 98 per cent of its border with neighbouring countries viz., Myanmar (1643km), China (1000km), Bhutan (650km), Bangladesh (1640km), Nepal (1,751) as against 2 per cent of its border being shared with the only other state of Indian Union². The total length of the international border is more than 5000 km but bordered with mainland India through the 22 km wide Siliguri “*chicken neck*” corridor in Assam and West Bengal border. In this regard, Sanjoy Hazarika³ pointed out that the North East region is closer to Hanoi⁴ than New Delhi. Besides, more than 70 per cent of the region is hilly terrains and face frequent natural calamities like landslide and floods. Due to the above reasons, the region is poor in infrastructural facilities, technologically primitive and remained underdeveloped. Hence, the region tends to look more to neighbouring countries than to mainland India for trade and commerce to sustain its economy and subsequently, economic growth. In this context, cross border trade with neighbouring countries will have great significance for economic development and bring prosperity to the population of North East region of India as well as border regions of the neighbouring countries.

Being bordered with Myanmar, cross border trade has great significance and advantage to Manipur as it is a landlocked hilly backward state which imported most of its daily essential basic commodities from outside. Border trade served as the lifebelt of Myanmar’s sinking economy due to financial sanction imposed by the West. Because of this the governments of India and Myanmar agreed to make provision for Cross Border Trade and signed the trade agreement. Following the signing of the agreement one Land Custom Station (LCS)⁵ was set up at Moreh⁶ on the Indian side for smooth running of the border trade between the countries. Under the agreement, trade is currently carried out through three designated border points one each in Manipur, Mizoram and Nagaland. In Manipur, the border trade centre is at Moreh, and it is Zowkhathar in Mizoram and Lungwa in Nagaland. Another trading point at Pangsau Pass in Mizoram is currently under discussion. Right now only 62 items are allowed to be exported and imported under the free trade agreement signed between India and Myanmar. India supplies clothes, shoes, medicines, woollens and engineering goods to Myanmar. These items are in great demand in Myanmar. On the other hand, Myanmar exports to India mustard seeds, pulses and beans, fresh vegetables, fruits and minor forest products. Soon after the trade agreement, there was a spurt in formal trade in Moreh-Tamu⁷ sectors with a quantum jump from about Rs. 15 Crores in 1995-96 to Rs.46.49 Crores and 62.39 Crores in 1996-97 and 1997-98 respectively. Clearly the booming border trade attracted traders and customers from both sides.

Keeping the above point in mind, the present paper attempts to assess and understand the significance of Indo-Myanmar Cross Border Trade to North East region of India with special reference to Manipur as the state shares 398 km land border with Myanmar and is the gate way of Indo-Myanmar Border Trade. In fact Myanmar is the stepping stone to India’s ‘Look East Policy’⁸ which seeks to develop strategic relation with all South East Asian countries, given the economic, security and political opportunities in offing. So, Indo-Myanmar

Border Trade is very much important as part of India's bilateral trade relation with Myanmar and can be extended as the way to success for India's 'Look East Policy'. Besides, the proposed transnational highway is expected to give the desired boost to the North East India and connect with Thailand, China and other ASEAN⁹ countries through Myanmar. Given the fact that North Eastern region is the corridor to the South-East Asian markets, states like Manipur, Nagaland, Mizoram and Arunachal Pradesh have a huge role to play in taking Indo-Myanmar trade relations to a higher economic growth trajectory.

India and Myanmar have common features due to cultural links, trade and commerce and common interests in regional issues, economic and social systems since ages. Myanmar is the ASEAN member-state having both maritime and land borders with India. Besides, Myanmar is important for India's security due to its strategic location and gate way for India to enter into the ASEAN market through roadways and railways. So, Indo-Myanmar border trade was formalized after the signing of Indo-Myanmar Border Trade Agreement between the Commerce Ministries of both countries on 21st January 1994 and the border trade was initiated from 12 April 1995, through Moreh border in Manipur as part of bilateral trade relations between the countries. The official cross border trade between the two countries takes mainly in Moreh border town in Indian side and Tamu town in Myanmar side. The trade also takes places through Champhai in Mizoram and another border point in Nagaland. But Moreh is the only feasible land route for trade which is relatively better connected with the commercial hub Mandalay in the heartland of Myanmar and serves as a bridge to the other South East Asian countries which are on the proposed South East Asian Super Highway through Moreh border town in Manipur and Tamu town in Myanmar.

Indo-Myanmar Border Trade Agreement

Indo-Myanmar Border Trade was signed on 21st January 1994. Thereafter, on 10th June 1994 certain decisions were arrived at the delegation level talks co-chaired by the Commerce Secretary of India and Director General, Directorate of Trade, Ministry of Trade, Myanmar. Finally, the Indo-Myanmar Border Trade was opened on 12th April, 1995.

This border trade mentions only exchange of commodities produced domestically and mainly agro-commodities. Permissible export-import commodities are less in the signed list. In the border trade points along Indo-Myanmar international border, many commodities were not listed in the said-Agreement. These commodities include luxurious goods to highly manufactured goods. There are reports of such goods to be imported informally through legalized check points. The prices of these informal goods are reported to be impressively low when compared to the prices of similar goods manufactured in India and their volume is suspected to be more than the volume of the commodities under legalized trade.

1. **Traditional Exchange:** Exchange of locally produced commodities (Article II) up to US\$ 1,000 between people living up to 40 km on both sides of the border under simplified documentation without Importer Exporter Certificate/GR formalities, from Director General Foreign Trade (DGFT) on payment of customs duty by way of head load or non-motorised mode of transport system of goods.
2. **Barter Trade:** Trade on 22 goods mutually agreed upon exchangeable commodities up to US \$ 20,000 with GR formalities as per DGFT PN No. 298(PN) 92-97 and on payment of customs duty. Under this system traders have to possess IEC allotted by DGFT. The original lists of 22 items are mainly agricultural and minor forest products. The list of tradable items has been recently increased to 62.

Regular Trade: Regular Trade under the Letter of Credit System as per EXIM Policy guidelines:

To facilitate and encourage trade, the agreed upon tradable goods are levied a concessional rate of duty @ 5% ad valorem under barter and normal trade through Moreh Land Customs Station.

The Reserve Bank of India has also laid down the following conditions in line with the Indo-Myanmar Trade Agreement.

1. Imports from Myanmar shall precede exports from India to Myanmar and such exchange should be balanced within six months from the date of import, in case of barter trade up to US \$ 20,000.
2. In case of Traditional Exchange, trade balance in locally produced goods should be achieved within a day or two up to US\$ 1,000.

According to Trade Agreement, that is permissible only through *Moreh-Tamu* sectors, the trade is restricted to 22 commodities mostly agro and primary products which are produced in India and Myanmar (without third country products) and subsequently increased to 40 (added 18 items) items under Public Notice No. 106/2008 dated 7/11/2009, under a liberalized Customs Tariff which can be applicable under zero tariffs with the signing of India-ASEAN agreement. The list of commodities which are included in trade agreement is listed as under:

Table 1: Existing Tradable Commodities/Items under Trade Agreement

Sl. No	Name of the Items	Sl. No	Name of the Items	Sl. No	Name of the Items	Sl. No	Name of the Items
1	Mustard/rape seeds	2	Betel nuts and leaves	3	Minor forest product (excluding teak)	4	Roasted sunflower seeds
5	Pulses and beans	6	Stainless steel utensils	7	Paints and varnishes	8	Garlic
9	Fresh vegetables	10	Agarbati	11	Spices	12	Onion
13	Spices (excluding nutmeg, mace, cloves and cassia)	14	x-ray paper and photo paper	15	Food items for local consumptions	16	Chillies
17	Sugar and salt	18	Fertilizers	19	Resins	20	Katha
21	Mosquito coil	22	Menthol	23	Fruits	24	Ginger
25	Bicycle spare parts	26	Insecticides	27	Soybeans	28	Tobacco
29	Coriander seeds	30	Bamboo	31	Reed broom	32	Tomato
34	Leather footwear	35	Life saving drugs	36	Sesame	36	Blades
37	Cotton fabrics	38	Cosmetics	39	Imitation Jewellery	40	Electric Bulbs

Source: Commerce and Industries Department, Manipur Annual Report 2012

But on 16 November, 2012 DGFT added 22 new items under Public Notification No. 30 (RE-2012)/2009-2014 to the existing list of 40 tradable items which takes the number of total tradable items to 62 for border trade. For instance, the additional items includes agricultural tools, edible oil, electrical appliances, steel products, coal, garments, medicines, tea, beverages, motor cycles and spare parts, semi precious stone, sewing machines and three wheelers/cars below 100cc in the list of items for border trade with Myanmar.

A critical study conducted by the Confederation of Indian Industry (CII), highlighted that bilateral trade between India and Myanmar is expected to be doubled by 2015 from \$1.3 billion, on the back of free trade agreement between New Delhi and ASEAN region. Perhaps, the border trade is very much important as part of India's bilateral trade with Myanmar.

Present Status and Trade Volume

The main Border Trade Centre on the Indian side, *Moreh* Border Town is 109 km from the capital of Manipur, *Imphal* which is connected by National Highway-39. This offers the most feasible land route for trade between India and Myanmar as well as other South East Asian countries.

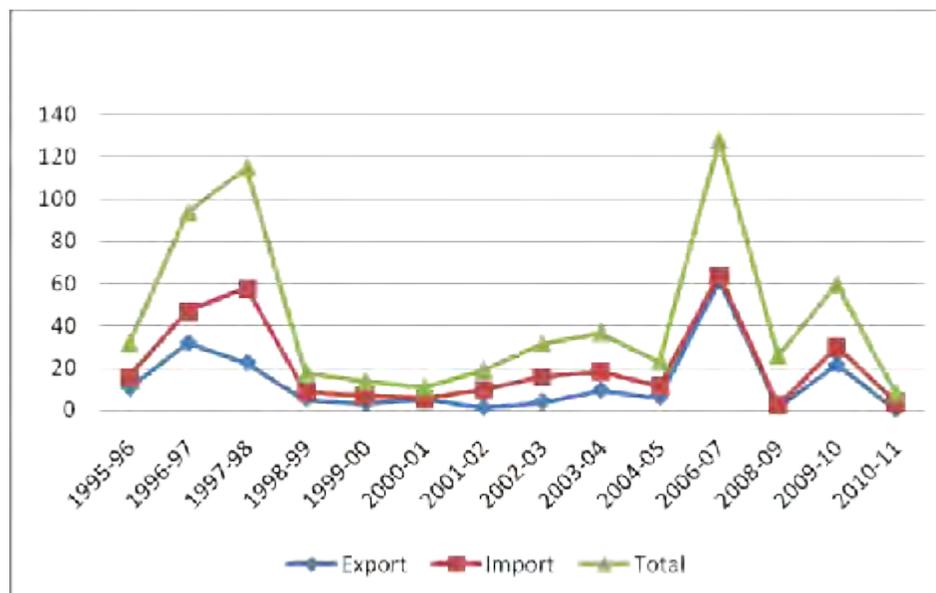
Table 2: Year-wise Official Volume of Border Trade (in Rs. Crore)

Period	Export	Import	Total
1995-96	10.45	5.38	15.84
1996-97	31.70	15.17	46.88
1997-98	22.44	35.08	57.53
1998-99	5.06	3.74	8.80
1999-00	3.25	3.67	6.93
2000-01	5.29	0.19	5.48
2001-02	1.25	8.29	9.54
2002-03	3.89	11.90	15.80
2003-04	9.45	8.85	18.31
2004-05	6.12	5.48	11.60
2006-07	61.26	2.69	63.96
2008-09	1.60	0.76	23.6
2009-10	21.50	8.31	29.81
2010-11	0.26	3.80	4.16
Total	192.38.	132.06	324.45

Source: LCS-Moreh, Manipur 2012

The official border trade is about two decade old after the signing of the trade agreement. According to the Agreement, the official trade is allowed by paying applicable and customs duty. With the recent Free Trade Agreement with ASEAN, the Integrated Check Post, Moreh offers the first mover, advantage to traders from India. LCS near Gate No.1 collected custom taxes from import and export officially. Major export items through Moreh include cement, engineering goods, chemical, cycle, pharmaceutical products, cotton yarn etc. The items which imported from Myanmar include betel nut, turmeric, red kidney bean, pulses, resin, dry ginger, kuth roots etc. The official trade volume at Moreh-Tamu sectors in 2006-07 (63.96 Crores) was the highest since the formal trade started in 1995. The official trade volume between India's North East states and Myanmar has not been encouraging. But the export growth is around 7% against the import of 32%. The Myanmar-India border trade for the first quarter of 2006-07 (April-June) amounted to just 2.91 million dollars. The following table 2 and figure 1 shows the present status and volume of border trade in Moreh-Tamu sectors in terms of monetary value.

Figure 1: Comparison of Exports and Imports



Source of data: LCS-Moreh, Manipur 2012

In the last 15 years the trade recorded at the LCS at Moreh show that official trade volume declined in the volume of trade transacted since the opening of border trade. However

there have been years of sporadic rise and drastic fall of the trade volume. Trade reached a peak of Rs. 63.96 crores in 2006-07 and Rs. 57.53 crores in 1997-98. Total trade had fallen to Rs. 4.16 crores in 2010-11 and to Rs. 5.48 crores in 2000-01.

Both exports and imports have also shown up and down trends throughout the last fifteen years. Export reached a peak of Rs. 61.26 crores in 2006-07 and was Rs 31.70 crores in 1996-97. Since 1995-96, exports have ranged from the lowest of Rs. 26.00 lakhs in 2010-11. Imports were the highest in 1997-98 at Rs.35.08 crores and lowest at Rs. 0.76 crores in 2008-09. Throughout the period however, the balance of trade has been favourable to Indian side with total exports amounting to Rs. 192.38 crores as against Rs. 132.06 crores of imports. These erratic and overall decline in trade are clear indicators of structural, institutional or related problems associated with the Indo-Myanmar Trade Agreement.

However the official/formal trade data recorded by LCS does not represent the true total volume of trade that is taking place at the Moreh-Tamu corridor. This data represents only official Barter Trade that is taking place through the LCS with GR formalities. Traditional trade that is taking place through the Head Load Mechanism under simplified documentation without GR formalities are not captured by the LCS data. This is because the inflow of Head Load trade through Gate No. 2 at Namphalong, and other informal routes are not being recorded. Nor is customs duty collected formally as per the terms of the Border Trade Agreement. These Head Loads of traded items are checked for contraband/narcotics and other illegal items only and the rest of the items are let through by collecting informal taxes and duties by the functionaries of the State and Central Governments Agencies which does not enter into the Government exchequer but into individual pockets. The flow of trade is mainly taking place through the traditional mechanism and if this flow of trade is accounted for, the actual volume of formal trade taking place through the Moreh LSC would obviously be far larger. The failure of Border Trade to take off at a faster rate are due to a complex of procedures, like multiple entry/exit gate, porous boundary, and many trade related impediments that are either inherent or created by various stakeholders of Border Trade at Moreh.

But the volume of official trade has remained slow in growth because is high demand commodities on both sides are not in the trade agreement. For example, two wheelers, animal hides and skin, maida, atta, zarda, baby packaged food, high end cosmetic items from India are in great demand in Myanmar. On the other hand, items like dry fish, agarwoods, raw cotton, readymade garments, blankets, mattress, timber, teak and other wooden furniture, herbs and roots having medicinal value have high demand in Manipur for re-export to mainland Indian

markets. The official volume of trade has come down and not been encouraging due to lack of memorandum of understanding between the designated banks on both sides, limited tradable items, restriction on exports, complex documentations as well as on items in barter trade. These are major hurdles in two-way trade. So, even items which are under the trade agreement are also informally imported through Gate No. 2 which opened from 7am to 4pm without any custom/official procedure and formalities. Most of the traders were trading informally at Namphlong Market without any official restrictions and Foreign Trade License. The trade is totally more in informal nature and its volume is very high when compared with official trade.

Table 3: Last 4 Years Official Commodity Wise Export Volume

Table 3.1 Year : 2008-09

Sl No.	Commodities	No. of Consignment	Qty. (MT)	Value in Rs.	Cess (Rs.)
1.	Soyabari	27	213.00	5,75,1000	Nil
2.	Cumin Seed	16	99.50	9,95,000	Nil
3.	Soya Grid	02	18.00	358236	Nil
Total		45	330.50	1,60,59,236	Nil

Table 3.2 Year : 2009-10

1.	Cumin Seed	28	215.04	2,15,04,000	Nil
Total		28	215.04	2,15,04,000	Nil

Table 3.3 Year: 2010-11

1.	Cumin Seed	04	26	26,00,000	Nil
Total		04	26	26,00,000	Nil

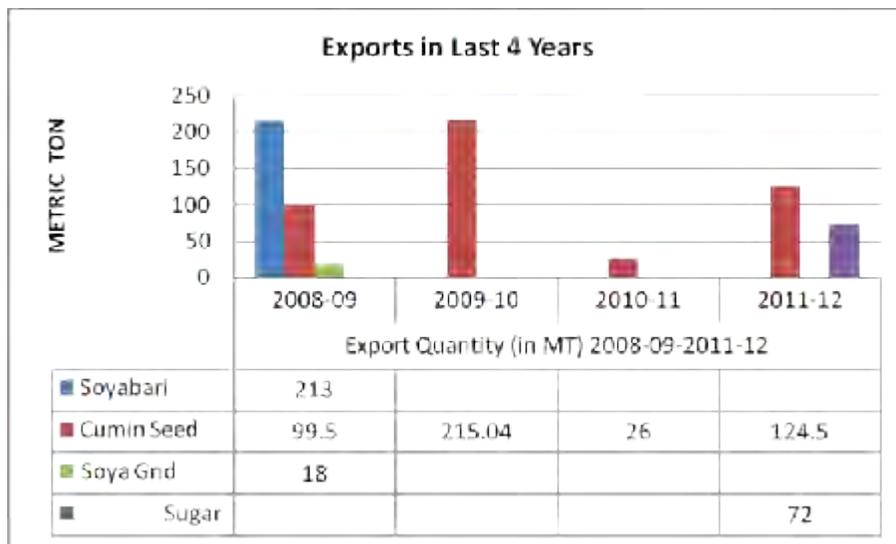
Table 3.4 Year : 2011-12

1.	Cumin Seed	17	124.5	1,24,50,000	Nil
2.	Sugar	04	72	25,20,000	Nil
Total		21	196.5	1,49,70,000	Nil

Source: LCS, Moreh in Manipur 2012

The important reasons for the large volume of unofficial trade are use of informal routes, poor administration, and lack of trained and trustworthy officials in the border. According to the official record by LCS, Moreh, only dry ginger and betel nut are officially imported from Myanmar with custom formality whereas soyabari, sugar and cumin seed are officially exported from India. The following tables and figure show during the last 4 years the official commodity wise exports volume through Moreh sector in Manipur.

Figure 2: Exports in Last 4 Years (2008-09 to 2011-12)



Source of data: LCS, Moreh in Manipur 2012

From the above tables and figures, we know that in last four years the total value of exported soyabari and soyagrid 231 Metric Ton (MT), cumin seed 465 MT, and sugar 72 MT was Rs. 5, 51, 33,235 exported through official channel to Myanmar from India in Moreh-Tamu border sector. However, according to some traders, large numbers of commodities are exported informally. The official exports volume is not at a satisfactory level due to high informal trade in this sector. This is also due to are multiple gates as well as the long porous border between India and Myanmar. So, it's very difficult to estimate the total official and informal trade volume of Indo-Myanmar Border Trade.

During the 2008-09 to 2011-12 period, exports volume and number of commodities which are exported to Myanmar varied from year to year. Those in 2008-09 exported three commodities such as sayabari (213 MT), cumin seed (99.5 MT) and saya grid (18MT). But in 2009-10 and 2010-11 only cumin seed is exported through official channel. In 2011-12 cumin seed (124.5MT) and sugar (72MT) are exported to Myanmar through Moreh-Tamu Border Sector. The following tables and figure show the last 4 years official commodity wise import volume through Moreh sector in Manipur.

Table 4: Last 4 Years Official Commodity Wise Import Volume

Table 4.1 Year : 2008-09

Sl No.	Commodities	No. of Consignment	Qty. (MT)	Value in Rs.	Custom Taxes
1.	Betel Nut	13	208	52,47,575	4,90,960
2.	Dry Ginger	17	255	23,66,978	2,21,459
Total		30	463	76,14,553	7,12,419

Table 4.2 Year : 2009-10

1.	Betel Nut	136	2176	8,07,92,840	75,58,880
2.	Dry Ginger	17	254.2	23,59,551	2,20,763
Total		153	2430.2	8,31,52,391	77,79,643

Table 4.3 Year : 2010-11

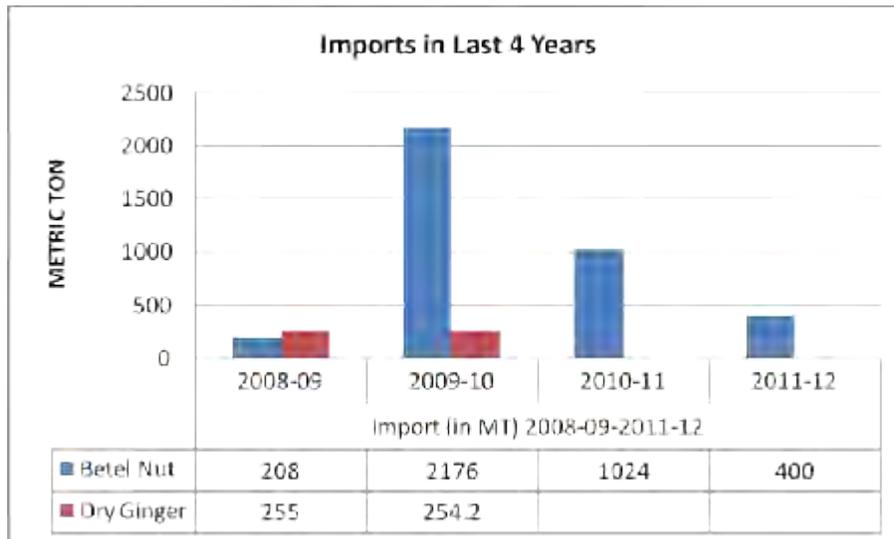
1.	Betel Nut	64	1024	3,80,20,160	35,57,120
2.	Total	64	1024	3,80,20,160	35,57,120
Total					

Table 4.4 Year : 2011-12

1.	Betel Nut	25	400	1,48,51,625	13,89,500
Total		25	400	1,48,51,625	13,89,500

Source: LCS, Moreh in Manipur 2012

Figure 3: Imports in Last 4 Years (2008-09 to 2011-12)



Source of data: LCS, Moreh in Manipur 2012

On the other hand, Myanmar exported betel nut 3808 MT valued at Rs.13, 89, 12,200 and dry ginger 509.2 MT valued at Rs. 47, 26,529. The trade volume is least due to high volume of informal trade. The informal trade volume is in favour to Myanmar. According to officials of Indo-Myanmar Chamber of Commerce, the volume of informal trade is expected to be high as more than 100 times the official trade volume in this sector. The business transactions are worth more than Rupees One crore per day in Namphalong¹⁰ market. So, business is booming in the border but is more informal in nature.

Structures of Marketing

There are two distinct marketing structures for imports and exports. Most items that are marketed in mainland India are first downloaded at Imphal by the big traders who have their own warehouses and then re-exported outside the state. Trade items that are bound for the neighbouring state of Mizoram either go directly to Mizoram from Moreh, when Mizoram traders are involved, or are downloaded at Churachandpur town for onward transport to Mizoram. Cases of Kuki and Tamil, Marwaries, Punjabi and other mainland traders of Moreh have been reported to directly export a variety of imports up to Dimapur, Guwahati and beyond, that do not clear the LCS at Moreh but we have not been able to confirm the report. All

the imports from Myanmar that find a market in the States of NE Region and mainland India are served by a network of mainland traders.

The market structure of imports within Manipur however is more complex and more varied as evident in the description of trader types in the State. The first distinct marketing network is that of the individual women village level traders who procure their goods from Namphalong and market them within the village. This network is the most extensive network that delivers imports directly to the consumers. This is more prevalent in the small towns and villages of the valley as well as in hilly areas.

The second network is that of the middlemen suppliers. These suppliers cater to the needs of the retailers in the major and minor towns of the State. They either supply on orders or distribute imports on credit depending on the levels of risks that they are ready to bear. There are two types of such middlemen, those who directly distribute their own investments or those who act as agents of big traders.

The third imports marketing network is that of the retail shop keepers in the towns of the State. These retailers try to increase their profits margins by procuring their own goods from Namphalong and Tamu town in Myanmar rather than through middlemen.

The fourth type of network is that of the wholesalers in the towns. They cater to the need of retailers of imports who do not directly procure their goods from Myanmar. The wholesale market for imports is substantial for groceries, readymade garments and footwear, electrical and electronics goods and they cater to the network of local/village level shops that are not necessarily in market centres. These four major marketing networks virtually cover the entire State and are the marketing structure that supports the booming Imports sector.

Prospects of Cross Border Trade

Indo-Myanmar Cross Border has great prospects in that people living in Indo-Myanmar border will benefit from the trade. It's much important to North East region and the neighbouring country considering the volume it contributes to its economic growth and development. If there is an installation of democratic government in Myanmar and the transit facility is provided by its government, the North East region can be more closer with neighbouring countries namely, China, Thailand and other ASEAN countries. It will help to increase the trade and as a result the region will become prosperous through international trade and generate more employment to trade related sectors.

Apart from substitution of informal trade by formal trade, an orderly and liberalised system of border trade and transit can make North East India-Myanmar as an attractive trade and economic hub in South East Asia. Formalisation/legalisation of informal trade will enable to governments to earn more revenue through imposition of duties on imports and exports.

Indeed, North Eastern states which bordered Myanmar are landlocked and totally isolated from the other part of the country because of their geographical entity. They lack access to markets outside the region. Exports and imports with other parts of the country thus would escalate the cost and ultimately, the prices cannot compete in the national and international markets. Further opening up and expansion of the border trade can remove this constraint considerably by providing the regional markets outlet in the border and through Myanmar and it would finally help in getting full benefits from border trade.

Moreover expansion of trading activities with Myanmar through border is bound to have spun off for trade related sectors such as transport and communication; warehousing and storage, hotels, banking, insurance and even health care sector which in turn will accelerate the pace of overall economic growth and development of the Manipur in particular and in general the entire region.

Problems Associated with the Trade

Lack of Proper Banking Facilities: The Moreh township has only one nationalised bank, which is the United Bank of India. That the bank does not have ATM facilities in this highly booming trading town is an indicator of the bank's lack of commitment in the growth of banking cultures and services. The bank largely caters to the needs of government institutions based in the town and to some extent the business interest of the traders of the town. The traders in the town also mainly transact in the matter of availing outgoing draft facility arising out of the huge flow of cash in border trade as well as local trade. This is quite realistic as the huge amounts of illegal exports to Myanmar are paid for in Indian Rupees and have to move out of Moreh. Indian currency flows into Moreh are but the counter flow of currency that had gone into Myanmar through the huge imports by traders on the Indian side. The majority of the traders commuting between Imphal and Moreh carry cash and do not transact through the bank. Petty traders, mostly women, carry cash ranging from thirty thousand to one lakh rupees, make their purchases on the day and return to Imphal. It is quite evident that the bulk of the transactions involved in border trade take place through informal and cash mechanisms rather than through the banking channel.

Unstable Exchange Rate: The currency of Myanmar, *Kyat* is one of the most unstable currencies in the world. The official exchange rate is equivalent with 6 Kyats to 1 US \$ and 1 Kyats to 7 Indian Rupees, whereas the market rate is 1,168 Kyats to a US \$ and 1500-2000 Kyats to 100 Indian Rupee time to time. It's a big problem faced by traders from India, as the unofficial exchange rate of currency appears to benefit the Myanmar traders due to the unstable value of Kyat. So, all the transactions are carried out through the unofficial rate and Indian currency is mostly for business transaction.

Limited Tradable Items: The list of the tradable items agreed for the trade between India and Myanmar is only 62 commodities mainly agro-horticulture and minor forest products. As a result, traders try to carry out business of other items which are not in the trade Agreement from third countries like China, Thailand and other South East Asian countries in informal channel as well as high volume smuggle in foot track.

Multiple Check Posts: The presence of multiple check posts on Imphal-Moreh route has acted as a major hurdle to the flow of exports and imports. National Highway 39 runs from Moreh through the Manipur valley, Nagaland and into the plains of Assam. This highway is the State's lifeline through which road transport of goods and passengers take place. National Highway 53 on the other hand connects the State to the Barak valley of Assam and beyond. This highway is the second lifeline of the State and will be the vital link in the proposed Transnational Asian Highway. Trade bodies have reported as many as 53 check posts between Moreh and Dimapur on National Highway 39. The presence of these multiple check posts have often acted as unnecessary obstruction of goods movement and wastage of time and rise in transportation costs.

Multiple Entry and Exit Gate: Unlike other international borders, the Indo-Myanmar border has 4 enter/exit points namely Gate No. 1 and 2 in addition to two other unofficial entry and exit points locally known as Gate 3 and 4. Besides, numerous foot tracks connect two main markets Moreh in Manipur and Namphalong and Tamu markets in Myanmar side. This is the main reason to increase free movement of people with head loads without customs formalities across the border.

Law and Order: Being a sensitive border town, the high density presence of state police and central paramilitary forces at every nook and corner of the town wouldn't be a surprise to any first time visitor. However residents and old timers know better that the apparent calm has beneath it an uneasy stand-off between the state and non-state power centres in the town. Even

the researcher also faced the problem of detention and was enquired about the questionnaire by Army officials.

High Transportation Cost: There is no structures transport system in Imphal-Moreh route. Transportation costs are very high when compared with the national level due to remoteness and hilly terrain. Thus costs to the traders. Road communication remains the main problem for export from North East to Myanmar. All the export facilitating roads leading to various LCS are in a pathetic condition.

Lack of Storage and Warehousing: There is no organized government storage and godown/warehousing facilities in Moreh. So, office space in Moreh LCS at Gate No. 1 is used as government godown for the stocking of betel nut. Numerous erstwhile shops and residential quarters in the immediate vicinity of Gate No. 2 at Namphalong market has been turned into private godowns, storage and warehousing facilities. Daily traders in head loads, mainly women traders, use these godowns for brief unloading of imports from Namphalong before the goods are loaded on *thelas* (hand cart) to be further transported to the vehicle parking zone about one kilometre away. Larger wholesale traders build up their inventories in larger storages and warehouses in the lanes and by lanes of the residential areas. These godowns are essentially makeshift arrangements where losses and damages to goods are suffered. Growth in the trade for agricultural commodities has suffered the most due to lack of efficient warehousing facilities. Godowns and warehousing facilities has become a cottage industry in the township with high transaction costs for traders. So, absence of modern warehouse and cold storage facilities on the border remain of a problem for the export of perishable items.

Telecommunications: Telecommunication systems in the border town are extremely poor. Only BSNL, Airtel, Vodafone telecom networks are working in Moreh which also have very low frequency and poor network. In fact communication with the other places becomes impossible during rough weather condition and this is a big barrier to carry out smooth business among the traders.

Trading Infrastructures: The State Government has set up a weigh bridge at Land Custom Station near Gate No. 1, a warehouse, a stay centre cum Trade Centre in Moreh. However these facilities are yet to be opened up to common traders. The Integrated Check Post to be established in the town is yet to come up. A transport terminus has become functional but the basic amenities and infrastructures are yet to be constructed. The State Government had also set up a marketing centre complex mainly to facilitate exports of Indian goods as well as marketing

of Myanmar goods by its citizens. But, there are no proper facilities like drinking water, toilet, electricity and medical facilities.

Finally, lack of awareness on exports/imports formalities, information and marketing research and strategy are also major problems in this trade.

Measures for Promotion of Border Trade

- ❖ There is a need for formalisation and regularisation of informal export/import through Moreh-Tamu sectors. All the legal freely importable and exportable items must be included in the list of tradable items and imposed levying custom duties/taxes at every point for all imports and exports items.
- ❖ If there is a separate Directorate for foreign trade in the State as found in other states of India, then the trade agreement would definitely give a whole lot of advantages to the people of the State and also help in developing its economy.
- ❖ There must be increase in tradable items in accordance with demand and consumption of people such as tin/cane and dry fish which is consumed by the large sections of the population in Manipur and which should be imported.
- ❖ There is urgent need for proper transport and communication, transit infrastructure by building expressways, bridges, roads, warehousing facilities, documentation services in border areas which can help converting informal trade to formal trade.
- ❖ Avail proper banking and financial support systems for formal and regular trade. It helps in quick trade transaction and solves the Indian traders' problems of sourcing credit and foreign exchange.
- ❖ Setting up of regulatory mechanisms for efficient trade and reduction in the number of check posts between Imphal and Moreh for quick vehicular traffic flows on National Highways.
- ❖ The main official Indo-Myanmar Border Trade Centre, Moreh town must be developed with modern state of the art facilities.

Conclusion

Indo-Myanmar Cross Border Trade through Moreh-Tamu sector is thus booming and useful to both sides. But it's more in informal nature that formal trade has been reducing in

volume, because of lack of strictly regulated trade law in the border. According to official documents recorded by Local Custom Station, Moreh, only dry ginger and betel nuts are officially imported from Myanmar with custom formality whereas soyabari, sugar and cumin seed are officially exported from India. All the commodities imported through informal channel in Moreh-Tamu sector are largely third country products exported from China, Thailand, South Korea, and even from Japan. So, even commodities which are found in the trade agreement are also under informal/unofficial trade without paying any kind of taxes to the government. The main reasons of high informal trade are porous border, complex documentation formalities and taking of bribes by officials so much so that border town postings are considered to be lucrative ones. Informal trade involves the people including those in public life and administration, educated unemployed youths, common man, women and even politicians.

According to unofficial reports from Chamber of Commerce, more than 2000 people go to border town for trade every day. They are mostly informal women traders who carry out trade without trade license. So, it's very hard to estimate exact volume of informal trade. But the informal trade volume is expected to be more than 100 times that of official trade. Only sixty two commodities are included in Indo-Myanmar Border Trade Agreement but uncountable number of third country origin commodities flow to our side from Myanmar. These commodities are let through by collecting informal taxes by the functionaries of the State/Central agencies which does not enter into the government's exchequer but into individual pockets. Hence, the tradable items must be increased in near future in accordance with demand and supply on both sides. Major exportable items include cement, engineering goods, transport equipment, motor cycles, iron and steels, medicine, chemicals and allied products, cotton yarn, etc.

Perhaps substitution of informal trade by formal trade in an orderly legalised and liberalised system of border trade and transit can make North East India and Myanmar border as an attractive trade and economic hub in South East Asia. It has great potential to in expansion with other South East Asian countries and might be the path to success of India's 'Look East Policy'. Hence, the Government must take the initiative to develop the infrastructure and enforce the trade regulation strictly for rapid growth of border trade. It will help in employment generation and accelerate economic growth of Manipur in particular and North East region in general as the region is connected through 'chicken neck' corridor with mainland India.

Notes

1. North Eastern Region of India which comprises Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Tripura and the total area of the region is 262,230 km².
2. Source: Directorate of Revenue Intelligence, Shillong.
3. Director, Centre for North East Studies, Jamia Millia Islamia University, New Delhi
4. *Hanoi* is the capital of Vietnam and the country's second largest city.
5. Land Custom Station (LCS) is Integrated Check Posts on the International Border to monitor trade activities and collect export import taxes. The LCSs help give a big boost to India's trade with neighbouring countries. It's the primarily gateways for transit of goods, services and human beings between the neighbouring countries. India shares a long International border with Myanmar, China, Pakistan, Nepal, Bhutan, Pakistan and Afghanistan. There are 132 Notified Land Customs Stations on the border of these countries.
6. Moreh is a border town in the border between Indo-Myanmar which 109 km away from *Imphal*, capital of Manipur.
7. Tamu, a town in Myanmar which around 2-3 km from Indo-Myanmar demarcated International Border
8. Look East Policy, which was initiated during the government of Prime Minister P.V. Narasimha Rao in 1991, with the aim of promoting strategic relation and regional economic cooperation with South East Asian countries. It was rigorously pursued by the successive governments of A B Vajpayee and Manmohan Singh.
9. The Association of Southeast Asian Nations (ASEAN) is a regional geo-political and economic organization of the Southeast Asia located nations which was formed on 8 August 1967 by Thailand, Singapore, Indonesia, Malaysia, and the Philippines. Subsequently, ASEAN membership has expanded to include Myanmar, Brunei, Cambodia, Laos, and Vietnam. Its aims include accelerating economic growth, co-operation among the member nations and promote peace in Southeast Asia in particular and the world in general. The land area of ASEAN is 3 per cent which cover 4.46 million km² land area of Earth, and has a population of approximately 600 million people, which is 8.8% of the world's population. The sea area of ASEAN is about three times larger than its land counterpart. In 2010, its combined nominal GDP had grown to US\$1.8 trillion. If ASEAN were a single entity, it would rank as the ninth largest economy in the world, behind the US, China, Japan, Germany, France, Brazil, the United Kingdom, and Italy.
10. *Namphalong* Market, which located right on the road that demarcates the international boundary between India and Myanmar.

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Dumping Potential and Intensity: A Case Study of Indo-Myanmar Border Trade

Mayengbam Lalit Singh

Abstract

The wave of globalization had started winding since the late 1980's in many countries of the world. This led to a structural change in different sectors of economy in different parts of the world. One such sector is the external sector which was kept closed for many years. It is now open in the globalized economy. Many countries have adopted export as an engine for economic growth, and, import to acquire technological know-how and capital goods for promoting export sector. India's economy was under the License Raj for almost four decades, however, by the 1990s, India started to adopt the new wave of globalization. As a part of project globalization, India adopted the "Look East Policy" to open up its economy to neighboring South East Asian countries. Under this policy, India signed the Indo-Myanmar Border Trade agreement on 21st January, 1994 with Myanmar in view of the needs and demand of the people of North East India. However, border trade along the Indo-Myanmar border has been witnessing trading of both formal and informal goods simultaneously. Therefore, this paper examines exclusively the items under informal trade the institutional factors behind this informal trade and also attempts to study commodity wise dumping potential which induce such tendency for informal trade and dumping intensity.

Key words: Globalisation, License Raj and Look East Policy.

Introduction

The Indo-Myanmar Border Trade was signed on 21st January 1994. Thereafter, on 10th June 1994 certain decisions were arrived at the delegation level talks co-chaired by the Commerce Secretary of India and Director General, Directorate of Trade, Ministry of Trade, Myanmar. The great inspiration behind this agreement was that trade across the Indo-Myanmar border is not only significant to accelerate trade relations between India and Myanmar but also to help in creating closer ties with countries lying to the east and south east of Myanmar (Sarma, 2005). By analyzing the demand structures of Myanmar, we can visualise the demand structures of less developed ASEAN member countries having similar economic conditions and neighboring with Myanmar. With regard to demand from these countries, some of the Indian manufactured goods manufactured by and procured from other regions of India to North East Region (NER) are informally exported to these countries through the Indo-Myanmar border.

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Similarly, some of the importing goods to India from rest of the world have better cost-effective advantages when those are imported from these countries (Rao et al. 2004). If India wants to avoid excessive Chinese influences on these countries, the only way is to have close economic relations with these countries. Hence, keeping close economic relation with Myanmar is the first step and can be extended to these countries (Yumnam 2005). But, the actual bilateral border trade was opened on 12th April, 1995. This border trade mentions only exchange of commodities produced domestically and agro commodities. Permissible export-import commodities are so less in the signed list. In the border trade points along the Indo-Myanmar international border, many commodities which were not permitted under the signed agreement are seen. These commodities vary from luxurious goods to highly manufactured goods. There are reports of such goods to be imported informally through legalized check points. The prices of these informal goods are reported to be impressively low as compared to the prices of similar goods manufactured in India and their volume is suspected to be more than the volume of the commodities under legalized trade. Hence, the present paper deals with the following issues: (a) why this informal border trade has been working parallel to legalized trade; (b) to find out values of informal trade (here import only) index for each commodity; and (c) to calculate Informal Trade Force for each goods. The data on prices of informal goods are collected from Namphalong, border trade point in Myanmar and informal tax levied on them are collected from intermediate persons (who transport these from the Burmese check point to India's check point). Data on the prices of our goods (Indian) are collected from markets at Imphal and Kakching (market near the author's house). All these data are collected randomly. This paper has five sections. Section I is introduction and objectives; section II gives the signed agreements between India and Myanmar on this border trade; section III gives the reasons why informal trade arises due to faults in the policies adopted by both governments; section IV gives the calculation of Informal Trade Index values and Informal Trade Force for each commodity; and section V is the conclusion and policy implications.

Section II (The signed agreements)

This trade includes 22 items agreed upon exchangeable items from \$ 1000 up to \$ 20,000 with Guaranteed Receipt (GR) formalities as per DGFT PN No.289 (PN)/92-97. Under this system, traders should possess Import Export Code (IEC) allotted by DGFT. The items under this system are locally produced commodities, mainly agricultural produce and minor forest products as in traditional exchange as mentioned above. The RBI also formulated their policy in line with the Indo-Myanmar trade agreement as mentioned in the RBI Notification.

i.e., RBI Circular (DIR Series) No. 17 dated 16th October, 2000. Some of the main guidelines are given below:

- Import from Myanmar to India shall precede export from India to Myanmar.
- There will be no monetary transaction under the barter trade arrangement.
- The export of goods from Myanmar to India should be completed within a period of six months from the date of import.
- Barter in terms other than the agreed 22 items will be liable to seizure/confiscation under the Customs Act 1962.
- Customs duties and cess will be chargeable as per the Customs Tariff Act 1975. Currently, for imports a duty of 5 percent ad valorem is applicable on all the items.
- Only CESS (an assessed tax) is currently chargeable on exports from India to Myanmar on some of the items mentioned.

Section III (Reasons for Informal Trade)

The agreement signed allows only 22 exchangeable items which are mainly agro-products only. Items out of this agro product also, are not permitted for trade. But people living on both sides have diverse choices which were not collected and included among the permitted list. However, people living on both sides along the international border have similar culture, tradition and food items. They are found to be interdependent on the various items available on both sides. Only political boundary makes their movement difficult and commodities illegal. In order to acquire their needs, they will import the out listed items informally. This is the main drawback of those government agencies to decide on a list without proper understanding and consultation with the local people.

One of the most interesting points in that agreement is that both sides should not export and import those commodities that originate from a third country apart from India and Myanmar. For India, those commodities are very sensitive for production in India. Myanmar, according to India's policy makers is seen as a country through where commodities from industrialized east Asian countries like South Korea, Japan, China and Thailand had been found to transit. These goods are mostly cloths and textile, electronic goods, commonly used day to day goods, etc. Such goods are produced in India also and Indian policy makers keep them under sensitive list and their import is restricted heavily. Such goods are made in those

countries after analyzing the per capita income and demand structures of a developing country like India. These goods are dumping goods in their nature of prices and hence, India needs to check the import of such goods. However, people in NER whose per capita GDP is low, have strong desire to acquire them because they could not buy relatively costlier Indian made goods. Now they have two options ahead of them – not consume the country made goods due to lack of income or consume the foreign goods by importing them informally. They succumb to importing informally as consumers can't be avoided from their choices by nature. India has produced commodities which ranges from agro based to highly sophisticated engineering goods and capital goods. However, the government policies permit to export those goods only through major ports. Exports of those goods are strictly restricted in such border trade. Some of such goods have a high demand in Myanmar also. In real those goods should be allowed to be exported to Myanmar. But these goods are available in Manipur which is the main gate of Indo-Myanmar Border Trade. Owing to heavy demand from the Burmese people, traders in Manipur export it by hook or crook. Hence, traders from Manipur get them legally in the name of their use and export it informally out of legal rules.

“Import from Myanmar to India shall precede export from India to Myanmar” simply means the ambiguous unwillingness shown to this border trade. In the present world, such type of policy does not favour the genuine trade that people expect. The above mentioned policy clearly mentions that Myanmar should initiate its import at first which will then be followed by our import from them. One critical point is that even though we have enough capacity to export to them, we cannot export. In the modern world, the new trade theory “oligopolistic” mentions the inevitable availability of many choices of consumers. Until we expose our export items to the consumers who reside in other countries, there is no means of advertising our export items. From this argument it can clearly be deduced that this trade policy doesn't favour the people much. Moreover, North Eastern Region of India (NER) and Myanmar have similar topography and weather which make these people to produce the same commodity bundles on both sides. Export or import from each other should be decided by the many factors ranging from political ideology to the degree of integration of its economy with world economy. Let's suppose that owing to some natural calamities or political unrest, certain needy commodities (these are also produced in NER) are in much demand in Myanmar. In such situation's, if governments of both countries apply such policy as mentioned above, trade will not bring any developmental programmes for people. Such ambiguous policies of governments will surely lead to informal trade.

“Export from India and Import from Myanmar should be completed within a period of six months from the date of export and import” which simply indicates that the border trade between these two countries is barter by nature. The agreement means that the value of export and import should be neutralized within six months. An interesting argument one can put forward is that if export from India can't be neutralized within the given period with the import from Myanmar, export should be banned until it is neutralized. Such type of lobby is not totally unacceptable and cross country international trade shows that some countries have surplus and some deficit. However, consumers' demand can't be restricted with such lobby. If export and import are not permitted by applying these conditions, traders on both countries will trade informally. Therefore, such types of unacceptable lobbies are unfavourable.

As mentioned above, Moreh (Manipur) and Namphalong (Myanmar) are adjacent trade points lying on both sides of the international border between India and Myanmar. Similar types of border trades are also there between India and Pakistan; and India and Nepal. In these border trades, both formal and informal parts of such border trade could be found. The respective governments in their bi party agreements had agreed only a limited range of the items to be traded mutually. That is the case of trade under formal category. If the consumers on both sides have the demand for that item out of the commonly agreed range, those items are found to be traded informally. However, the procedures of informal trade are found in different ways based on the agreements signed. In the case of trade between India and Pakistan, both governments signed for limited commodities. Traders can do business on these limited items. Those commodities out of this range, are imported to Pakistan from India through another route, i.e., India-UAE-Pakistan. India's trade with UAE covers more commodities than its trade with Pakistan. On the other hand, both Pakistan and UAE have freer trade compared to Pakistan's trade with India. Those commodities which are excluded in India's trade agreement with Pakistan are exported to UAE and then imported to Pakistan. This creates informal trade between India and Pakistan via UAE. In the case of India-Nepal trade, the form of informal trade is peculiar to that informal trade between India and Pakistan. India has free trade agreement with Nepal. Some of the Indian companies had opened its branches in this country also. Hence, the Indian Government has to offer its import to our market with lesser duty barriers. On another side, Nepal has also trade with many countries in the world through its route in Indian territory. Taking the advantage of lesser duties, Nepal imports commodities from other countries through Indian ports and those commodities are found to be deflected to Indian markets again. In such trade process, business firms having branches in both sides are keen to get opportunities in both countries (Taneja). The procedure of informal trade in Indo-

Myanmar border trade is found again to be different from the procedures mentioned in the above two.

Indo-Myanmar Border Trade in Manipur takes place at the notified trade points- Moreh in India and Namphalong in Myanmar which are adjacent places along the international border. However, Tamu is mentioned as the notified trade point in the agreement between India and Myanmar. But Myanmar authorities built a market at Namphalong very close to Moreh. According to customs office, the strategy behind the main construction of market close is that it reduces transport cost increases the number of visitors from both countries and hence the quantum of trade also rises. It is also accepted that opening of a market close to the international border increases informal trade. The two trades are connected through a narrow strip road with two gates where the movement of people is checked by customs officials of both countries at their respective gates. People and traders can visit both trade points without a pass. However, visitors who wish to visit places other than these two trade points need pass. Customs offices open the gates at 8 am and allow visitors to go there upto 4 pm. Most of the business shops at Namphalong are flooded with commodity items from other Asian countries. Those items are basically electronic goods, garments, textile products, soaps, detergents, etc. The numbers of shops which deal in the commodity items under legalized trade are small in number. Currency in transaction according to the signed agreement should be US\$. However, presently Indian Rupee is being used as the medium of transaction. According to customs officials, traders are not using either US\$ or Burmese currency in transaction due to huge number of Indian buyers. Using of Indian Rupee in transaction reduces the burden of currency conversion on Indian buyers. Hence, all the commodity items outside the agreement have to be imported inside India. The procedure of the informal trade is interesting. When a business man/visitor from India buys that informal commodity items and is about to cross the gates, he needs to hire persons (intermediate) who can consult customs officials and give some hush money. Giving such hush money to the officials will allow that commodity to slip into Indian territory. The amount of such money will be determined by the value of those goods, that is, the more value, the more we need to pay. The role of the intermediate persons in this trade movement is that they can bargain the amount of the hush money at minimal level. However, hush money in the intermediate persons are reported same. These persons could get their hiring charge as the cost for transporting those goods from the gate on the Myanmar to reach the gate in Indian side which is transportation cost for a short distance. The customs officials at the gate have never invoiced the receipts from the import of these goods which openly mean informal trade. However, this informal trade through these gates is not allowed when higher customs officials from Shillong and Kolkata visit sometimes. Custom's burden at the gates is not the

last. There are four or three more check-points at Moreh itself where these goods need to pass through. Traders to avoid further burden from state customs and excise officials, consult the transporters (vehicles-bus, public carriers, etc) to hide the items by giving some hush money to them. Transporters also would keep these informal goods in hiding places or lowest rack of their vehicles and would cover it with the items of goods which are allowed by the signed agreement. At every check point, drivers negotiate the officials giving some lump sum amount of money for its transit. They would not show the exact number of the informal goods they are carrying. Sometimes these officials do check and if they find huge quantum of such informal goods, it is burden on the traders. However, these check posts are not the last barriers for traders. On their way to local market, they have to cross so many barriers. One of the most difficult barriers is the lump sum taxes levied by underground groups that are functioning parallel to existing state government. Even though traders can avoid heavy taxes levied by state and central government informally, they can't avoid the negotiable taxes levied by such groups. Why their taxes are termed as negotiable is that the strategy of levying lies on the personal income quartiles and assets of the traders. Informal tax on traders of higher income groups are hardly negotiable. However, for those traders in lower quartile groups, it is negotiable and tax rates are much influenced by the fabricated grievance stories. It is also found that their tax rates are also influenced by the closeness of connections with these groups which means that the closer the connection is, the minimum are the tax rates. The less or the degree of connection, the higher are tax rates. Some traders may have their own shops and some of them may be intermediates between businessmen at border trade point and local businessmen. Traders who have their own shops are reportedly those lying on the higher income quartile groups.

Section IV (Calculation export/import index and Informal Trade Potential)

To collect price data of the informal goods, the trade point at Indo-Myanmar international border, and Namphalong in Myanmar had been selected as study area. Prices of commodities (Electronic goods) are collected from ten different shops which are chosen randomly. Prices of the same goods are collected. For the collection price data for the goods other than electronic goods, eight shops are selected randomly. To analyse the price difference between the homogeneous goods from India and Myanmar, another five-five electronic shops (at Imphal) which deals in Indian goods are selected randomly and for remaining commodity items other than electronic goods, data on their price are collected from Kakching, a fairly big local market in Manipur. Here, data analysis has been shown in three sub sections as follows.

Commodity wise Export/Import Potential Index value or Dumping Potential: To find out this index, the formula is constructed hereunder

$$\text{Export/Import Potential Index or Duping Potential} = \left\{ \frac{P_{x_i} - P_{y_i}}{|P_{x_i} + P_{y_i}|} \right\} \\ = \left\{ \frac{(P_{x_i} - P_{y_i})}{(|P_{x_i} + P_{y_i}|)} \right\} * 100 \text{ (in percentage)}$$

Where, P_{x_i} = Price of the home made i^{th} commodity in country X

P_{y_i} = Price of the i^{th} commodity from country Y

Here, the value of this index for each commodity lies in between -1 and +1; and when its value is zero (0), it means that there is neither export nor import for that commodity. All the values of every commodity should lie between -1 and +1 which means that these sign should mean whether the commodity should be exported or imported according to the sign they carry. Table1 shows that higher values of index go to electronic goods which would have a relatively long lifespan compared to those goods that are used in day to day life. Among the electronic goods, those electronic goods which are in daily use and prone to wear and tear very soon are ranked with lower index values. This indicates the market strategy of such manufactured countries. It is already mentioned in the above that such informal goods are made and their price is set and adjusted to per capita income and demand level of the consumers. Prices of those goods which would last long compared to those ones, are set almost at half of the price of the competitive goods manufactured in India. Whereas for those electronic goods which are in daily use, difference between their prices of the same goods manufactured in India and the imported goods are less impressive as compared to the differences in price for those goods mentioned above. In the table, the commodity which is ranked with lowest index value is detergent which is in daily use in every house. Index of detergent implies that price difference between the detergent of Indian manufactured one and the informally one is very less. From these findings it can be inferred that the strategy of the dumping goods is as follows: - the higher price difference for longer lasting ones (durable goods) and the lower price difference in the case of daily using goods (non durable goods) which are short in their life span. However, this analysis is deeply confined to only supply side and it deals with desire of consumers' wants.

Informal Trade (here Import) Force or Dumping Intensity

This force is constructed by the difference in prices of the goods in India and the same goods which is ready for import informally. This force is assumed to be directly proportional to

the difference in their prices which means that the higher the difference, the higher will be the force. This difference in prices induces the potential of import. At the same time informal tax induces the movement of the goods. This force is assumed to be inversely proportional to the amount of the informal tax levied. The higher the tax rate, the lower is the force. The tax rates vary from commodity to commodity according to their values (price). Higher informal tax rate is levied on those goods having higher price and this tax is randomly fixed by the customs officials. The formula for this force is constructed as,

$$\text{Informal Trade (import) Force} = \left[\left(\frac{|P_{x_i} - P_{y_i}|}{P_{y_i}} \right) / T_{x_i} \right] * 100$$

Where, P_{x_i} = Price of the home made i^{th} commodity in country X

P_{y_i} = Price of the i^{th} commodity from country Y

T_{x_i} = Informal tax levied by country X on i^{th} commodity from country Y

The above formula hints at bounded limits; first of all (a) $(|P_{x_i} - P_{y_i}|) = 0$, which means there is no difference in the prices of the home made goods (Indian) and for the same goods to be imported, the value of the force should be zero, simply tells no informal import of that good; (b) $T_{x_i} = 0$ means when there is no Informal Tax of country X on the goods, the force has infinite value; and (c) $(|P_{x_i} - P_{y_i}| / P_{y_i}) * 100 = T_{x_i}$, when the value of percentage difference in prices in terms of imported price is of equal value of Informal tax rate levied on that goods, the force is one. The last condition is needs to be discussed further. Here two conditions take place. If the consumers in the importing country have little knowledge of varieties of similar goods, there will be no import of such goods since the price of the imported goods is same with the price of similar home made goods. However, consumers love varieties, and import of such goods will take place even though prices of both goods are almost same. Table 2 shows that informal tax levied on these goods are not maintained at a certain rate as the ad valorem duty rate in legalized trade. Informal Tax Rates on electronic goods like electronic generator, water pump, electric inverter, battery, DVD player, fan, rice cooker, radio, blanket, pants, etc which have longer life and indirectly related to day to day consumers' life are found to be charged at lower rates than ad valorem rate (5%) on legalized goods mentioned in the signed agreement. Tax rates on the goods (are in need to consumers' day to day life directly) bulb, tube choke, extension code, torch, DVD disk, chair, carpet, footwear and detergent are found to be high compared to the tax rates on those goods mentioned above. Owing to high price difference and lower informal tax rates on the first category of goods, Informal Trade Force (here import only) are found with higher values whereas the second category of goods

which have lower price difference and higher tax rates, have lower values Informal Import Force compared to the goods in the first category. Despite the higher import forces borne by the first category of goods, the demand of consumers for the second category goods bearing lower force is high enough since the characters of those goods as ordinary goods in day to day life whereas.

Section V (Conclusion and Policy Implications)

Since the opening of the Indo-Myanmar Border Trade, both formal and informal trade have been taking place. Certain policies in the signed agreement such as limited number of legalized tradable goods, barter nature of trade, short period of balancing trade, heavily application of Rules of Origin (RoR) on the tradable goods and aligned trade policies which are not compatible to the demands of residents on both sides countries led to informal trade. The goods which come under this informal trade are those goods which are not mentioned in the signed agreement. Informal trade is seen mostly on the imported goods originated from third countries other than India and Myanmar. Export/Import Potential Index show that higher values are in favour of those informally imported goods which have higher price difference with similar goods from India and lower values with less price difference ones. This reveals the strategy of the dumping goods - the higher price difference for longer lasting ones (durable goods) and the lower price difference in the case of daily use goods which have short life span (non durable goods). Inequity in informal tax rates can be seen on those informal goods. Informal tax rates together with price difference develop Informal Trade Force for goods which show value of force on higher priced informal goods. Both Central and state government incur heavy loss of revenue since the informal tax rates levied on such goods are diverted to the pockets of a few customs officials. At the same time government officials can not restrict such informal trade. The best solutions to curb such informal trade are (a) Government and firms have to improve their technology (b) FDI or branches of overseas firms should be allowed to open in our country (c) cost of production should be reduced through various programmes.

Table1: Calculation of Export/Import Index value (Dumping Potential)

Commodity items	Value in India (Rs.) (P_{x_i})	Value at Moreh (Rs.) (P_{y_i})	Difference in values in Rs. ($P_{x_i} - P_{y_i}$)	Total values of the commodity ($ P_{x_i} + P_{y_i} $)	Index value
Electric generator (1000watt)	13000	6500	6500	19500	0.33
Electric water pump	3500	1800	1700	5300	0.32
Electric inverter	5600	3000	2600	8600	0.30
Electric Battery	10500	7000	3500	17500	0.20
DVD player	3000	1700	1300	4700	0.27
Electric fan	2100	1150	950	3250	0.29
Fluorescence bulb (12 pieces)	1800	360	1440	2160	0.66
Tube choke	160	90	70	250	0.28
Electric rice cooker	1100	700	400	1800	0.22
Radio	680	330	350	1010	0.34
Electric extension code	110	50	60	160	0.37
Electric torch	314	200	114	514	0.22
DVD (empty in 12 pieces)	120	72	48	192	0.25
Blanket	1600	1050	550	2650	0.20
Chair	200	130	70	330	0.21
Carpet (6ft*3ft)	200	90	110	290	0.37
Pants (jeans)	1400	800	600	2200	0.30
Sweat shirt	1200	500	700	1700	0.41
Jockings (shirt)	400	250	150	650	0.23
Chappal	130	80	50	210	0.23
Detergent in 12 pieces	240	180	60	420	0.14

Sources: Indo-Myanmar Border Traders and Author's Calculation

Table2: Calculation of Dumping Intensity

Commodity items	Value in India (Rs.) (Px _i)	Value at Moreh (Rs.) (Py _i)	Difference in values in Rs. Px _i – Py _i	Informal tax from customs in Rs.	Percentage tax rate in terms of imported goods price (Tx _i)	Commodity wise Informal Trade (import) Force
Electric generator (1000watt)	13000	6500	6500	200	3.07	32.6
Electric water pump	3500	1800	1700	70	3.8	24.8
Electric inverter	5600	3000	2600	100	3.3	26.2
Electric Battery	10500	7000	3500	120	1.7	29.4
DVD player	3000	1700	1300	50	2.9	26.3
Electric fan	2100	1150	950	50	4.3	19.2
Fluorescence bulb (12 pieces)	1800	360	1440	20	5.5	72.7
Tube choke	160	90	70	5	5.5	14.1
Electric rice cooker	1100	700	400	30	4.2	13.6
Radio	680	330	350	15	4.5	23.6
Electric extension code	110	50	60	5	10	12
Electric torch	314	200	114	15	7.5	7.6
DVD (empty in 12 pieces)	120	72	48	10	13.8	4.9
Blanket	1600	1050	550	30	2.8	18.7
Chair	200	130	70	10	7.6	7.07
Carpet (6ft*3ft)	200	90	110	30	33.3	3.7
Pants (jeans)	1400	800	600	20	2.5	30
Sweat shirt	1200	500	700	20	4	35
Jockings (shirt)	400	250	150	10	4	15
Chappal	130	80	50	10	12.5	5
Detergent in 12 pieces	240	180	60	10	5.5	6.05

Source: Indo-Myanmar Traders; Author's Own Calculation



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Conflicts in South Asia: Dissecting Media's Role in Kashmir, Sri Lanka and Nepal

Nidhi Shendurnikar Tere

Abstract

Even though South Asia is hailed for its progress and development, it is a region ridden with conflicts. The different types of conflicts that afflict South Asia – both intra-state and inter-state are a major impediment in its quest for advancement. The region is full of potential primarily owing to its human capital but prosperity eludes it because the states in South Asia are locked in bitter conflicts. In a world dominated by the mass media, the presentation of conflicts has come to be more significant than the conflict itself. Conflict is brought to the comforts of the audience's drawing rooms by mass media like Newspapers, Television, Radio, Internet, and Mobile. News about conflict attracts viewers since it is dramatized and sensationalized. The core concern of this paper is to examine the media's role in three major conflicts of South Asia – Kashmir, Sri Lanka and Nepal. Current realities of conflict in the region are 'mediatized' – a term coined for conflicts that attract media glare. Conflicts considered for the study are varying in origin, nature and causes. In the context of ever changing conflict dynamics in the region, it becomes essential to dissect the media's role in either exacerbation or mitigation of the conflict. The paper examines the media's role by analyzing indicators like media freedom, media environment/culture, nature of the conflict and media bias.

Key Words: Conflict, South Asia, Media, news, Kashmir, Sri-Lanka, Nepal, Conflict Dynamics

A Hotbed of Conflicts

Conflict is an unavoidable reality of mankind. Incompatibility of goals and different perceptions of reality lie at the root of conflicts across the globe. The global order has been characterized by conflicts between individuals, parties and nation-states. Conflicts lead to the creation of an 'enemy image', a picture of the 'other' that is seen as opposed to one's goals. Competing national perceptions and national identities also play a role in of the creation of conflict. On the one hand when states are inter-dependent, they are also fighting intense battles for superiority over each other.

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With the dawn of globalization, the nature of conflicts has transformed. Conflicts now also involve non-state elements who pose a challenge to the legitimacy of the state. Modern day conflicts are fought for ideology, identity and belief systems. Iraq was bombed not because it possessed dangerous weapons but due to a super power's desire for hegemony and supremacy. Ideology and power equations are the drivers of present day conflicts. How do conflicts affect South Asia – home to one-fifth of the world's population?

South Asia is a victim of all types of conflicts which have resulted in polarization, communal exclusion, terrorism and a fractured society. Several inter-state/intra-state conflicts in the region have produced tremendous dislocation, marginalization and militarization. Enmity and suspicion have marked inter-state relations in South Asia with rise in military expenditure, arms race and nuclear proliferation – all of these posing a serious threat to human security in the sub-continent. Exclusionary ideologies have crushed the democratic, plural and vibrant South Asian political culture. (Alam 2006). For example, militancy in the North-East of India, the *Naxal* movement in various districts of India, Nepal's political turmoil, Afghanistan's quest for stability and peace, lack of democratic norms and factionalism in Pakistan, the persistent conflict between India and Pakistan over Kashmir have threatened South Asia's rise as a major power in global politics. There are also the problems of hurdles in reconciliation and peace in post-war societies like Nepal and Sri-Lanka (Institute of Peace and Conflict Studies 2012). Most affected by these conflicts are the people of South Asia. They live under circumstances of dire poverty as money meant for health, education and other basic services is spent in procuring arms and promoting a culture of animosity. Forced migration, dislocation and marginalization of the poor leading to insecurity have given rise to conflicts.

South Asian societies are in a phase of transition. Management of conflicts in the region will greatly impact this process. Thriving internal conflicts in the region depict deep divisions and dissatisfaction that prevails among people. Democratic deficit, leadership crisis, antagonisms and a history of hostility have plagued the region for long. Even as we witness a democratic structure being imposed in Afghanistan, there are elements who work to disrupt this process. Post-war Sri Lankan society is yet to come to terms with the long stretch of civil war which shattered the country's economy and well-being. Efforts towards institutionalization of democracy in Nepal and Pakistan have not yielded fruitful results. Mutual hostility is so much embedded in South Asian inter-state relations that it will take a long time for the region to resolve its conflicts peacefully. Whereas other regional associations like European Union (EU) and Association for South East Asian Nations (ASEAN) have successfully resolved their disputes through diplomacy and negotiations, the regional umbrella of South Asian Association

for Regional Cooperation (SAARC) is a failure due to the non-cooperative attitudes of nation-states (Ahmed 2006). The menace of terrorism looms large over the region. Apart from interstate conflicts, the region faces formidable threats from militancy, terrorist attacks, separatist movements and guerilla warfare. Thus, the task of peace-building faces several challenges in this region of the world.

This paper broadly discusses the media's role in South Asian conflicts, however because of limitations of space; analysis is limited to conflicts in Kashmir, Sri Lanka and Nepal. The three conflicts present different case scenarios and hence it is interesting to analyze media representations of varying conflicts. The diverse nature and many causes of the Kashmir conflict between the two most powerful countries of South Asia make it a flashpoint sitting on the nuclear bomb. The security dynamics of South Asia have attained more complexity since these two countries attained nuclear weapons status in 1998. The India-Pakistan conflict over Kashmir is seen as the basic hurdle to peace and progress in South Asia. The continent's political and military dynamics as well as the future of SAARC depend upon cordial relations between the two. Kashmir, though viewed as a territorial dispute, has other dimensions to it – military, political, social, cultural and historical. India and Pakistan are yet to shed the historical baggage that they accumulated since the partition. It is believed that regional cooperation in the continent will remain a dream unless India and Pakistan can resolve the core dispute of Kashmir. The dispute has assumed center stage since the low intensity conflict in 1989. Kashmir thus remains at the heart of the problem. *Bill Clinton* aptly referred to it as the '*most dangerous place on the earth*'. The deadlock on Kashmir has prevented both countries from reaching common ground to deliberate on the challenges faced by the region. It is believed that success of any South Asian Union cannot be realized without cooperation between India and Pakistan.

As opposed to the conflict in Kashmir, Sri Lanka faces an ethnic strife over a battle between the Sinhala and Tamil communities of the country. The feeling of injustice being meted out to the Tamil community resulted in the formation of the *Liberation Tigers of Tamil Eelam* (LTTE) which has been fighting for a separate Tamil homeland since the early 1980s. It is one of the longest running civil-wars in Asia. Of course, there were many other militant groups like Tamil Eelam Liberation Organization, People's Liberation Organization of Tamil Eelam, Marxist Eelam People's Revolutionary Liberation Front, National Liberation Front of Tamil Eelam and many others which were fighting for the Tamil cause. However, of all these groups, the LTTE emerged as a prominent one. The LTTE's rise is attributed to the way in which Tamils were treated in Sri Lanka after independence in 1948. Sinhala was made the

official state language and Buddhism the nation's primary religion. This angered the Tamil population of the country and LTTE emerged to fight for an independent homeland for the Tamils of Sri Lanka. The war in Sri Lanka has been through all the phases of a conflict – rising ethnic tensions, suicide bombings, attempts at peace-keeping etc. A ceasefire agreement was brokered in 2002 but it broke down the following year. Norway and India since the beginning tried to monitor the peace process in Sri Lanka (Bajoria, 2009). The end of the ceasefire in 2009 saw the military trying to root out the LTTE and crush it militarily. At present, even though the military might of the LTTE is restricted, Tamils have not abandoned the dream of an independent homeland. The challenge faced by the government is the integration of Tamils into mainstream Sri Lankan society and polity. Ethnicity is thus a major cause of conflict in present times and hence it is significant to study the media's role in such conflicts. Ethnic strife in Rwanda led to the genocide of millions from the minority community. The media played a very crucial role in promoting ethnic disturbances and mobilizing mobs for killings of people (The Media's Failure in Rwanda 2011). The media in its working is itself divided along ethnic, cultural and social lines. Representations of ethnicity can either aggravate the conflict or mitigate it. Hence, Sri Lanka's case will give an insight into the representations of ethnic violence by the media.

In the case of Nepal, political turmoil in the country is marked by ideological differences between multi-party parliamentary system and one party communist ideology. Violence and terrorist activities are the modus operandi of the warring sides. This clash between the government and the Maoists has led to deaths of innocent civilians. The chief source of conflict in Nepal is the Maoist insurgency which emerged as an organized rebellion after the political change that the country witnessed in the 1990s. The main crisis has emerged from the violent conflict between state power and the Maoists (Lamsal 2008). The Communist Party of Nepal – Maoist (CPN-M) launched a violent '*people's war*' in 1996 in the western districts with the goal to end monarchy and set up a people's republic. A significant increase in violence was seen after the disruption of the ceasefire in 2001 after which the Maoists were declared as a terrorist group and the army was called upon to counter insurgency. (Iyer, 2009). Recently, a call for fresh elections has been given for in November after the failure of political parties to agree upon a new Constitution (Nepal Profile 2012).

Thus, the nature of South Asian conflicts varies in intensity, causes, the extent of their reach in the region as well as their significance in the context of other conflicts in the region. The paper examines media systems in place in the states concerned, media culture followed, media bias and exclusion in reporting of conflict events and hurdles faced by journalists and

media professionals. The ensuing section of the paper describes the centrality of the media's role in conflict. Media is an integral actor in the conflict environment as it is the only source of information through which masses avail news about conflict. In the global communication scenario, media are messengers of truths and lies that surround the conflict.

The Fourth Party

The media is not alien to conflict. Nothing attracts the audiences like war and conflict. The drama of conflict provides the media with much required brownie points! War is on top priority as far as media organizations are concerned. It takes the larger piece of cake when there is a choice to cover war which provides drama as compared to peace and other non-controversial events which are not newsworthy. Journalists tend to oversimplify conflict by presenting it as a contest between 'us' and 'them'. They are guided by the principle of "if it bleeds it leads" while covering conflict. War is full of immediate action and emotions which no other event can boast of. The media is all too eager to cover war because war helps grab eyeballs. In fact, the media thrives on war economy which is profitable for media houses.

The media shapes attitudes and perceptions towards various events in the society. What people decipher about their surroundings is what the media tells them. The media is a double-edged sword. It can be a carrier of hate and intolerance and can also aid conflict transformation and peace-building. Communication media, the world over have gained prominence as messengers of state policy. Foreign Policy which was once the bastion of the elite is now significantly impacted by the media. This is known as the 'CNN Effect' – a theory in media studies and Political Science according to which 24 hour news channels impact the Foreign Policy of nation-states. US intervention in Bosnia and Somalia was attributed to the media's repeated telecast of the crisis therein due to which the United States was forced to intervene (Basu & Bhatnagar 2007). War reporting came of age in the 1991 Gulf war when technology enabled newsmakers to bring the war live to viewers. The role of media in wars like Vietnam (1959-1975), The War on Terror (2001) and Iraq War (2003) has been well documented and analyzed with evidences. The Iraq war signaled a new trend of embedding reporters with battle troops so that reporters could witness events just as they played out in the battle-field (Shukla 2006).

What is the media's role in a conflict situation? Is it a balanced provider of information and or does it frame events and news to suit its convenience as well as the government's propaganda? To begin with, before the media can even step into the conflict zone, the tone for

propaganda, animosity, hate speech, enemy images and prejudice is already set by the state and other parties in concern. Studies have shown that in a conflict, media usually plays into the hands of the government and ends up being a propaganda tool of the administration. This bitter truth was succinctly expressed by Washington Post Reporter, Karen DeYoung in his comment during the Iraq War, “We are inevitably the mouth-piece for whatever administration is in power.” This echoes the case of Fox News which was ideologically committed to the President and hence ignored substantial case about the flawed case for war. It failed to pick up signals and was misled by the administration. As a result, it failed to unravel the real reasons behind the war. In the second Gulf War of 2003 the US media was complicit in accepting official views about the presence of Weapons of Mass Destruction (WMDs) in Iraq almost unquestioningly and uncritically. Stories of protests against war and skeptical questions about WMDs were buried in some corner of newspapers in favour of arguments for the war. Stories were even fabricated to support the cause of war. In fact, the media was a key agent in mobilizing public opinion and anyone who raised voice against war was labeled anti-national and unpatriotic (Mitchell 2008). In case of the Vietnam War – the first televised war (the first televised war was the gulf war II. Wonder whether the Vietnam war was covered on TV), audio-visual coverage had a great impact on public opinion and outcome of the war. It is said that TV turned American public opinion against the war and that the war was lost in the living rooms of America, not in the battle-fields! These are instances of how media outlets can become biased in their representation of conflict, telling only one side of the story to audiences, completely ignoring the other. Intellectuals like Noam Chomsky and Australian journalist John Pilger have referred to the media’s biased role in decisions involving Foreign Policy and War. There are also instances of hate media – where the media worked overtime to promote hatred, abetting in killing people from a particular community. Hands in glove with the government, media assisted the state in such pre-planned killings (Urmi 2010). The example of the Rwandan genocide discussed above is case in point.

The media’s role in war has been addressed through various theoretical models like Framing Theory, Agenda Setting, Propaganda Model (Noam Chomsky & Edward Herman), Political Contest Model (Gadi Wolfsfeld), Policy Media Interaction Model (Robinson Piers) and Indexing Theory (Daniel Hallin). These theoretical propositions provide varied explanations for the media’s role in conflict and the nature of this role. Through the CNN Effect, it is clear that mass media impacts foreign policy decisions (Gilboa 2005). The media’s role in conflict is not entirely negative and discourses on media’s role in conflict resolution and peace-building have developed in the recent past. Johan Galtung’s theory of ‘Peace Journalism’ critiques the mainstream media for practicing ‘War Journalism’ as opposed to highlighting

stories of peace, truce and cooperation. According to him, peace journalism is solution-truth-people oriented. Peace journalism is not peace advocacy. It is just, sensitive, transparent, responsible reporting of the conflict which does not demonize the 'other' and presents views and counter-views from both sides (Lynch & Galtung 2010). Several Non-Governmental Organizations like 'Search for Common Ground', 'Conflict Resolution Network' (CRN) have taken initiatives to promote peace media.¹ In fact, media are identified as a major agency in the process of conflict resolution.

The media's influence in a knowledge economy cannot be undermined. This is the very reason why states put efforts to control information in every possible way in a conflict. The expansion and proliferation of the media has been an important characteristic of globalization. Present day conflicts are 'mediatized' as they receive utmost media attention and every development of the conflict is presented to audiences. Media is believed to construct enemy images and socialize citizens in favour of nationalism (Peri, 2007). During war time, media dominates public discourse by performing either of these – manufactures consent and consensus, silences dissenting voices, indulges in pack journalism², erases certain incidences from public memory. The kind of language, editorial policy and political association that the media follow during wartime is important and should not be ignored. It is what reflects the media's stand on the conflict. For example, when the media identifies particular communities as terrorists and hammers the label repeatedly, the audience tends to accept it easily. Media as a stakeholder in conflict can present events as they are, remain neutral while taking no stand, present events according to a chosen belief/frame.

South Asian conflicts are rampant and always in the media spotlight. In the following sections, case studies of media's role in Kashmir, Sri Lanka and Nepal are discussed in detail. A detailed analysis shall help in reaching concrete conclusions about the role of media in South Asian conflicts.

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On whose side? The Media in Kashmir

India and Pakistan – arch rivals and enemies since undivided India's partition are currently locked in a conflict over the disputed territory of Kashmir. The problem in Kashmir needs no explanation as it lies at the heart of Indo-Pak conflict. Both countries believe that the amicable resolution of India-Pakistan relations depends on the resolution of this dispute. Acquisition of nuclear capabilities has turned Kashmir into a nuclear flashpoint. Kashmir is almost synonymous with India-Pakistan tensions. The conflict in Kashmir is decades old and both countries consider holding the region important to their strategic and security concerns. Thus, Kashmir is at the center of media coverage in both states. The media is embroiled in a very peculiar situation in the state of Jammu & Kashmir. It is caught in a cross-fire between two sides – the state and the militants. This has hampered objective and truthful reporting from the region. Kashmir is also a dangerous place for journalists because of the rise in terrorist incidents especially after the insurgency which began in 1989. According to a report on the State of Human Rights in Jammu & Kashmir, Indian media coverage of Kashmir has been based on the viewpoint of the government, security forces and other state apparatus. For eg. The Hindustan Times and The Indian Express back the government's stand in their reporting as they highlight the sacrifices of the security forces; but conveniently forget about the plight of civilians and their lives destroyed by the unending conflict. Both papers toe the official line of curbing militancy in the state. There is hardly any reportage about the kind of hardships that the people in the valley face (State of Human Rights in Jammu & Kashmir (1990-2005)). Even TV channels have carried forward the government's agenda on Kashmir. Among these, The Hindu

has been an exception while reflecting a deep understanding of the Kashmir issue and playing an important role in opinion building of masses. In popular media like cinema, the Kashmir conflict has always been used as '*masala*' to provide a dose of entertainment and nationalism to Indian audiences³. Cinema promotes jingoistic nationalism and sensationalism while portraying problems of Kashmir. News media have either tried to bury news of human rights violations or have given it a political angle to cash in on the situation. On Indian media's reporting of Kashmir *Arundhati Roy* comments, "Indian media is suffering from schizophrenia as its reports portray zero reflection about the reality in J & K. It is busy painting a rosy picture of normalcy, which is absolutely false" (Joshi 2005).

There is another side to the story though. The media in Kashmir faces immense pressure to conform from opposite ends i.e. from the militants and the government. The question is whose side of the story is more important and qualifies for reporting. Journalists face pressure from both the state and rebels fighting for secession. They are threatened with dangerous consequences if they fail to conform. While rebels believe that journalists are playing in the hands of security agencies and are awarded jobs & incentives by the government, the state apparatus blames the media for premeditated acts of coverage and fewer tourists coming to the state. This has led to the rise of alternative media like blogs and websites in Kashmir (Shah 2012). This signals grave implications for the state of press freedom in Kashmir. Media is considered as a reliable source of news on Kashmir and citizen's perceptions of Kashmir are heavily dominated by the media. In this context, the media in Kashmir must be given some space to carry out their duty of providing information freely and fearlessly.

The challenges that reporters face in Kashmir are quite unique because it is a society where access to militants and government sources is not obtained easily. This is the first hurdle which media professionals in Kashmir have to overcome. Kashmiri identity is so entrenched in the region that Indian reporters are seen as outsiders, making it difficult for them to procure truthful information. Caught on both sides, reporting is a challenge more so for local journalists who are viewed by the security forces as being pro-militant and by the militants as pro-government. Thus, being neutral entails a risk. *Doordarshan* TV journalists *Altaf Ahmed Faktoo* and *Saidan Shafi* were assassinated by separatist militants for airing pro-government news which was critical of militancy in the region (Baweja 2008). Thus, the foremost concern is to secure a working environment free from threat and pressure. Lack of freedom to convey the truth leads to incredible and false information being fed to the masses. How many mainstream news channels cover anything about Kashmir other than the persisting conflict? There is no effort on part of the media to establish a bond between Kashmiri and Indian

citizens. News about the culture of Kashmir, its traditions, its people, their struggles have not been adequately documented in media. The only aspect presented by the media is that of Kashmir being a warring zone and *Kashmiris* shouting anti-India slogans. The discretion to frame stories lends media immense power to shape people's understanding about the conflict. For example, during recent incidences of stone pelting in Kashmir, the media chose to cover the story from two angles namely: the stoning youth and the dying youth. The frame chosen by the media shaped reader's responses over the incident. The media here chose youth as their frame of reference and stories on the incident revolved around them. It was insignificant to mention CRPF personnel injured and killed in the events (Ninan 2010).

Reporting on Kashmir is also not carried out in isolation. The emotional and historical baggage of a troubled Indo-Pak relationship runs deep into the reporting. The stories in Kashmir cannot be presented without the context of this bitter rivalry. Journalists who have reported from Kashmir have filed stories on India-Pakistan relations too. The dilemma of being a local reporter and seeing bloodshed and violence in one's own region, involving one's own people can be traumatic. The journalist remains in a catch-22 situation where he/she cannot decide as to whom he owes his loyalty – to the nation or to his own people fighting against the nation. Contrary to opinion, war reporting is about context, emotions, situations which are difficult to understand, conflicting loyalties...not merely about plain facts like number of people killed and injured in an attack. The situation in Kashmir is indeed sensitive and journalists have understood this very well. In an article for New York Times, *Barbara Crossette* writes about alienation in the Kashmir valley. Stories of malnutrition, shortage of vaccines, trauma, and nightmares of children are never heard. Stories of army personnel searching homes, killing innocents are missing. Media leaves no stone unturned to highlight that the valley's citizens are all terrorists (Crossette 2008). How can reconciliation and healing be expected in this atmosphere? Partisan reporting can have adverse impacts in a conflict zone in the long run. It can create stereotypes which may be difficult to erase in the future. It can play havoc with the lives of locals in the area. The coverage of conflict thus has to be responsible, transparent and sensitive.

The framing of '*War Journalism*' has been very strong in reporting on the Kashmir. In a study to test Johan Galtung's Theory of '*Peace Journalism*' in the case of Kashmir, content analysis of major Indian newspapers revealed that stories pertaining to war, conflict, dispute, differences, terror dominated the Indian media scene (Patel 2005). Stories gave prominent coverage to the location of conflict, two major parties to the conflict, portrayal of one side as good and other as evil and the persistence of conflict. Interviews were conducted with

journalists from Jammu, Srinagar and Delhi to gather their perspectives on reporting the conflict. Many journalists were of the view that they are not brokers of peace. Their duty is to merely report facts and not advocate peace. According to them, it is difficult to ignore happenings of violence when it is all over the place. Objective reporting is difficult in the context of Kashmir as it is laden with values, background, religion and national interest. Pressure from militants and desensitization of media after witnessing years of conflict was also cited as one major reason for media giving coverage to acts of violence. Journalists also felt that the 'place' of reporting is also extremely crucial in a conflict. Being nearer to the conflict zone has its advantage of having access to all sources and events, whereas it can also influence one's style and thinking. The study's findings aided by content analysis and interviews depicted that media oversimplifies the conflict and it is the government which sets the agenda for media reporting.

A study on Asian newspaper coverage of conflict also showed that war journalism frame was strongest in the coverage of Kashmir by both Indian and Pakistani newspapers. As opposed to 63.7% of war journalism stories in Indian newspapers, there were only 28.6% peace journalism stories in the Indian media coverage. On the Pakistani side, there were 74.2% war journalism stories whereas a meager 18.6% peace journalism frames used (Ting Lee & Maslog 2005). War reporting was identified on the basis of coding categories like reactive, elite oriented, dichotomous and partisan.

Still, the media must tell Kashmir's story and tell it truthfully. Conflict reporting in Kashmir has suffered from an obsession with numbers and facts. Journalists should accept their larger responsibility towards the society and come out with responsible and balanced accounts of turmoil. Media documentation of conflict is essential because it deepens understanding about the causes of conflict. A properly documented history of conflict can help future generations to avoid conflict. The stories of suffering during conflict are plenty and they must be brought to the mainstream. This will enable promotion of a public culture that is sensitive to the consequences of conflict and the mayhem that it results into. It will also contribute to an inter-cultural understanding of different communities and their lives. Promotion of tolerance and peace by journalists is not advocacy but an effort to reduce the intensity of conflict and open channels for reconciliation. This also helps in the resurrection of a post-war society. Since, war reporting as a specialized form of journalism has risen only recently in India, there is a need for adequate training for journalists who report from various parts of Jammu & Kashmir. A transparent and responsible media culture in Kashmir will ensure that conflict is not distorted and manipulated to anybody's advantage.

Media in Sri Lanka's Ethnic Conflict

Experiences of covering conflict vary based on the nature of the conflict and the media environment of the state involved in the conflict. This section examines media's role in covering an ethnic conflict. This is different from the media covering insurgency, political turmoil, state sponsored violence, territorial and identity disputes. An ethnic conflict involves two or more communities in a clash over identity, resources, political and social superiority. Sri Lanka was embroiled in a violent conflict between the Tamil rebels and the Sri Lankan government immediately after independence. The key reasons behind this conflict were group discrimination, limited access to public resources and cultural marginalization. Experience of these was the main cause for Tamil alienation and a demand for autonomy (Uyangoda 2007).

Firstly, it is essential to understand the nature of media and its working in Sri Lanka, more crucially in the context of this conflict. The media in Sri Lanka can be divided into two categories – owned & controlled by the State and privately owned. The Sri Lanka Broadcasting Corporation, Sri Lanka Rupavahini Corporation and ITN radio and TV network are controlled by the state. The LTTE has also established radio and TV networks from areas which are under its control. The ethnic conflict in the country has influenced media personnel and their working to a large extent. The media is deeply divided along ethnic lines and considers ethnicity as an important part of its character. Media aggravates the conflict by sticking to stereotypes and promoting the nationalist and religious emotions of people (Senadhira 2006). The repercussions of an ethnically polarized society are clearly evident in biased media coverage as well as media ownership. Media houses owned by Sinhalese show utter disregard towards presenting perspectives of the *Tamilian* community. None of the privately owned Sinhala mainstream media publish newspapers in Tamil. This marginalizes an entire community which is an integral party to the conflict. The lack of inter-ethnic perspectives is visible in Sri Lankan media. The same can be said about Tamil ownership of media. It does not publish any newspapers in the Sinhalese language and reflects a pro-Tamil bias in its coverage of conflict issues. The state owned media in Sri Lanka publishes newspapers in Sinhalese, Tamil and English but accepts the dominant viewpoint of the state in its reportage. While the state is engaged in war, media succumbs to propaganda and while it is at truce, media willingly endorses the state's peace initiatives.

In a study on coverage of conflict in Sri Lanka, during the devastating Tsunami; media instead of building bridges among the affected communities, published ethnically biased stories to capture headlines and create sensation. The day after the Tsunami, headlines of a leading Sinhala daily read: “1,200 Sea Tigers Perish.” This depicts the insensitive nature of media coverage during a natural calamity and how even in adverse circumstances the media continues to forward its divisive agenda. The Sinhalese media, for example shows the least concern for people living in the north and east (areas most affected by the civil war). While being obsessed with the LTTE. A survey of Sri Lankan journalists showed that 87% of journalists believed that media are failing to provide balanced and fair information and 80% believed that media are biased towards ethnic groups. Also, the credibility of sources in a conflict zone is suspicious. If the sources are restricted to government, security forces and rebel groups then the account of the event may become one-sided (Deshapriya 2008).

The kinds of issues that stay in news during wartime also determine the conflict discourse. Through the use of media frames, a dichotomous choice is placed between narratives of ‘national security’ and freedom, ‘human rights and terrorism’ (War of Words: Conflict and Freedom of Expression in South Asia 2005). The media provides justification for war and human rights abuse in the name national security. It creates sanction for violence perpetrated by the state. In Sri Lanka, the media has largely ignored other issues such as casualties in war, human cost of war, lack of development and gender equity in the society. Amidst war which provides for sensational news, the media forgets to examine issues which are as important for a conflict ridden populace as the war itself. Media engages in partisan reporting to gain political mileage as well as for market gains. An exclusionary ideology has been followed by Sri Lankan media whereby they choose to remain silent about government’s atrocities. In the final stages of the civil war, the media contributed to a highly parochial and militaristic public discourse. However, there are few brave journalists who risked their lives for the sake of truth and paid the price for it.

A telling account of the conditions of Sri Lankan journalists is documented in the death of the Editor of The Sunday Leader, *Lasantha Wickrematung*. He was shot in the head in Sri Lanka's capital, Colombo, by two gunmen on a motorcycle. In an editorial printed posthumously after his death, *Wickrematung* predicted his own death and saw the government’s involvement in it. He wrote, “When finally I am killed, it will be the government that kills me. Countless [Sri Lankan] journalists have been harassed, threatened and killed. It has been my honour to belong to all those categories and now especially the last.” The Sunday Leader known as the best independent newspaper of Sri Lanka has taken an impartial stand on the civil

war raging in the country. It produced a series of scoops about dissension within the government and, in spite of heavy censorship of all on-the-ground reporting of the war; it regularly exposed atrocities for which the security sources were suspected (Steele 2009). This is only one among the numerous instances of media freedom being crushed to death in Sri Lanka.

A strict censorship regime operates in Sri Lanka which restricts media's access to the conflict zone. Without this access, it is very difficult for journalists to obtain credible and independent story sources. Journalists have rarely been allowed access the strife torn area of Jaffna. Those who have criticized the military and security establishment have been gunned down as the above incident clearly narrates. Sri Lanka has thus emerged as a dangerous place for journalists to carry out their profession with honesty and integrity. In a report on Sri Lanka, Committee for the Protection of Journalists – the New York based media watchdog observed that the government's censorship policy manifested the basic mistrust of media. It noted that in Sri Lanka violent attacks against journalists were typically committed with impunity. Press coverage of the civil war remained thin because the government refused to grant journalists regular access to the war torn areas. After suffering a setback in the war against LTTE, government shut down three newspapers and blacked out scores of articles and political cartoons (Attacks on the Press 2000: Sri Lanka, 2001).

Several politically motivated removals have also been a regular feature of Sri Lankan media. The International Federation of Journalists (IFJ) raised outrage over the removal of *Laskman Gunasekara*, chief editor of the Sunday Observer and *Asif Hussein*, senior journalist with the same paper. The replacements were carried out after Gunasekara's editorial policy suggested that newspapers should remain neutral during election period. IFJ wrote to the President and the Prime Minister protesting such manipulation and management of journalists (IFJ protests politically motivated interference in Sri Lankan media 2004).

What can be done to ensure media freedom and media's responsible coverage of conflict in such a media environment? One answer is the development of alternative media forums like new media portals which can build an atmosphere of peace by disseminating truthful and balanced information. A society which is plagued by unending political violence needs active peace media efforts to help remove stereotypes and prejudices. The new/alternative media like blogs, peace media, social networking websites, mobile and internet could be possible venues for deliberating peace alternatives to a public discourse dominated by violence. *Groundviews* – www.groundviews.org is an example of citizen journalism aimed

towards progressive conflict transformation in Sri Lanka. It was developed to create a discursive space that the mainstream media fails to provide. It was launched in December 2006 as the first tri-lingual citizen journalism initiative in Sri Lanka and remains the only such initiative till date (Hattotuwa 2010). The content published by the website accounts stories of ordinary citizens, award winning poets, academicians, diplomats and civil society activists. Stories from battle-grounds of the 'North' and the 'East' have been published on the site. This initiative is a good example of how web based journalism can foster constructive debates about peace, violence, conflict and human rights in a way that the mainstream media fails to do.

Thus, the media in Sri Lanka is limited by its structure and its loyalty towards ethnicity over fair reporting. This is an issue that the media would have to deal with by change in ownership patterns. Currently the Sri Lankan society is in a post-war reconciliation phase. The media assumes an important role here too. It must now engage in rebuilding a society which is based on mutual trust and cooperation rather than on hatred of the 'other'. Media can foster attitudes which support peace. Reinforcing such values will go a long way in reconstruction of a society that has been traumatized by war for so long. The wounds will take time to heal and the media can play its part in the process. A lot also depends on the role of the government and civil society organizations in pushing the agenda of media freedom forward. The media in Sri Lanka must be able to report without fear and come out with accounts of the horrors of war. This will ensure that future generations know about the adverse effects of war. The media can be an effective channel to communicate this reality. Any kind of biased reporting is going to affect the people living in the region and hence the government must be made accountable to provide a safe and secure environment for media professionals in the country. Popular media like cinema, culture and music can also be instrumental in bringing people together. Though this paper has not reflected on the role of popular media in furthering stereotypes, it would be naïve to underestimate the influence of popular media. Additionally, user generated media content and new media should also be encouraged to enable airing of different perspectives. The media ought to give peace a fair chance in Sri Lanka.

Media and Nepal's struggle for Democracy

The history of the Nepali press and the existence of independent media in Nepal are very recent. A new chapter was written in the history of Nepali media when during the mass uprising in 1951, monarchy was over thrown and a democratic society was established. Until this time, there was hardly any communication media which informed Nepali citizens of events at home and abroad. News was sanctioned and propagated by the government. 1951 marked the

dawn of a free media in Nepal when several private newspapers, channels and magazines flourished. During the tumultuous period of political change from 1951-59, the Nepali media experienced freedom but was bereft of professionalism and experience. The hurdles faced by the media in Nepal were many. During 30 years of monarchy, from 1960-1990 many journalists faced arrest, sedition and treason charges for criticizing the government and supporting democracy. The mainstream Nepali media always supported press freedom, democracy, party system and human rights (Lamsal, Conflict and Media in Nepal 2008). The Nepali media experienced greater freedom after the restoration of multi-party political system in 1991. The newly framed Constitution included several provisions for freedom of the press. The quest for information led to the proliferation of private sector media. The media enjoyed full freedom; however it still was restricted from criticizing the members of the royal family.

Nepal's media is a victim of the conflict between Maoists and the Government. It is caught in a cross-fire where it has been threatened by both the government as well as the security forces. In eight years of armed insurgency by Maoists, 15 journalists have been killed and many more have been abducted, detained, arrested. There is an outright violation of press freedom in Nepal. In an assessment of press freedom worldwide, Nepal was ranked 160th out of 167 countries (Press Freedom 2004). Journalists in Nepal have been the target of both security forces and Maoists. Restrictions on movement of journalists have led to hardships in access to truthful and balanced information for impartial reporting. For eg; in November 2004, Maoists banned journalists from collecting news in five villages of the western remote district of *Rukum*. Journalists in Maoist controlled areas have been intimidated and threatened; thus hindered from working honestly. The media in Nepal also faces dilemma while reporting truthfully on excesses committed by the government as well as the Maoists. If it reports on government excesses, it faces atrocities of the state troops and any criticism of the Maoists may lead to a guerilla attack. A similar such media environment was observed in the conflicts in Kashmir and Sri Lanka. The unique fact about the Nepali media is that unlike Sri Lankan and Indian media it is still in the developing stage. Working under a hostile and threatening environment has had adverse consequences on the development of the Nepali media. Journalism is thus a risky profession in Nepal.

The Nepali press played a very impactful role in ending monarchy in the country and ushering an era of democracy. However, after the restoration of democracy the Nepali media could not fulfill its role effectively. It portrayed conflict as a commodity that could be marketed. Rather than mitigation of conflict, media has aided the escalation of conflict through sensationalization and partisan reporting. The lack of experience in conflict reporting has

hampered objective reporting of the civil war. The conflict is more of a rural phenomenon whereas Nepali media has an urban-centric bias. As a result, accurate reporting becomes a casualty. Most newspapers rely on stringers in rural areas for news about the conflict. Lack of training and facilities hampers these stringers to ensure that facts get reported. The concentration of ownership of media organizations also lies in the hands of the government and hence very few media organizations take the risk to expose government propaganda. Those who do have found their lives endangered. The quality of reporting, the reach of the media and very few private and independent media outlets have contributed to lack of objective reporting. The media also lack experience, professionalism and resources which are requisite to report a war situation.

The media tend to take sides, either of the government or the insurgents. They have failed to provide a balanced perspective by incorporating views of both parties. For eg; the pro-Maoist *Janadesh Weekly* has been abhorred for its support to violence and insurgency. Lack of safety and training measures has led to media's apathy towards sensitive reporting of the conflict. There is a desire to control the media among the social and political groups in Nepal. The state has taken no action against people accused of killing and abducting journalists. This impunity has led to the trend of self-censorship (Jha 2008). In a study conducted by Media Foundation – Nepal and supported by UNESCO – Kathmandu it was found that security of journalists and media institutions was the most dominant topic in news coverage of the media in the post conflict situation. The media keenly followed the killings of two journalists - *Jamim Shah* and *Arun Singhania*. Incidents of violence against journalists during the week-long Maoist strike in Kathmandu in March also raised the volume of media coverage (Journalists' security dominates post-conflict coverage of Nepal's media 2011).

Several developments have taken place in the Nepali media in the context of political turmoil in the nation since the adoption of democracy as a form of governance. There is no doubt that the Nepali media have become more free and liberal. Citizens of Nepal have been provided access to a variety of mainstream as well as alternative media. Multivariate sources of news have been a positive feature of democracy in the country. A poor communication culture prevalent in the country is an obstruction in imparting balanced information. This is mainly because of a largely illiterate population especially in the rural areas. Reporters thus have a hard time getting access to information in the conflict zone. Many a times, they are forced to quote an anonymous source which defeats the credibility of the story (Kharel 2008).

A culture of “sponsored patriotism” has inflicted the Nepali media. The Nepali security forces take selected journalists for a helicopter tour of the site of incidents and thus journalists are expected to write stories depicting the state positively. Before the declaration of a state of emergency in 2002 and 2005, many privately owned newspapers published interviews with Maoists, which consequently had them arrested. In Nepal, it is not only the state which is engaging in communication strategies to spread propaganda and prevent the media from writing adverse news, even the Maoists are using new media to spread information about their agenda.

The issues faced by the Nepali media are primarily two: Lack of training, resources, infrastructure for journalists to present a true picture of the internal turmoil and the unfriendly socio-political environment. They face a major physical risk in the battle zone especially while reporting in Maoist dominated areas. It is due to these constraints that the Nepali media are not able to present an accurate picture of their war torn country and not able to depict the human cost of war. If left to accomplish their job professionally and without interference from both conflicting parties the media can play a positive role in peace-building. The media should be allowed to breathe fresh air otherwise it will be futile to blame it for the situation in Nepal.

Conclusion

From an assessment of the media’s role in three crucial conflicts in South Asia – Kashmir, Sri Lanka and Nepal, some preliminary conclusions can be reached. Firstly, the nature of conflicts in South Asia is undergoing transformation. There is an increasing involvement of non-state actors and rise of terrorist incidents. Internal conflicts in the sub-continent have given impetus to militancy/insurgency. Currently, South Asian societies are experiencing different types of political turmoil. While some conflicts are intractable (Kashmir), others (Sri Lanka & Nepal) are struggling to maintain peace in a post-conflict society. South Asia thus represents a very diverse society embroiled in both inter-state and intra-state conflicts.

In the current scenario, the media’s role is not to resolve conflicts. However, it is certainly expected reveal all the uncomfortable truths about the conflict. The media should give a fair hearing to parties involved in the conflict, not twist facts, report conflict with the relevant context and provide a holistic view to audiences.

Following observations can be made about the media's role in South Asian conflicts. Though this paper was limited to the study of media's role in three specific regions, these observations will also apply to media's role in other South Asian conflicts.

- Media freedom/Freedom of expression is the biggest casualty of South Asian conflicts: There is ample evidence to prove this from the examples in the paper. Journalists across conflict zones in South Asia operate under a fearful and threatening environment in which they are subject to killings, abductions, threats, force, and subjugation from the parties to the conflict. Media remains under pressure to conform from either side. Thus, most of the media professionals who report from the conflict zone are sandwiched between their duty as a journalist and pressure from multiple sources. For example, in post-conflict Afghanistan, despite the presence of many new media outlets, journalists feel at risk when they criticize the government or the warlords. Additionally they also live under the diktats of religious fundamentalists who oppose any content which is against religious values and culture. Thus, when the media is pulled from various sides and not allowed to work freely, it cannot perform an objective role/role of change- agents. Its ability to promote a culture of freedom and transparency is severely limited (Najibullah 2009).
- In an age of 'information warfare', conflict is considered a commodity by media organizations. The only aim is to sell this commodity to their audiences and earn profit. This market-based commercialized approach leads to media distorting information, presenting myths as facts, indulging in jingoistic nationalism, acting as a force multiplier of the state and getting deeply divided on ethnic, religious, social and political lines. War is a '*mediatized*' spectacle and the media presents it as entertainment to its viewers. This is visible in the case of both Kashmir and Sri Lanka where news of discord sells more than news about peace. Media frames the conflict discourse in a way that suits its interests. Conflict reporting in South Asia has been such that the distinction between journalism and propaganda is fast blurring.
- Parties to the conflict (there may be more than two) try to control information dissemination and communication during the conflict situation. This inevitably involves the control of media and the stories they cover. Control is sought for various purposes like demonizing the enemy, building a case for war, diverting attention from the root causes of the conflict and hiding atrocities and excesses committed. Media is often used to mould public opinion in favour of the conflict as well as to perpetuate existing stereotypes of the enemy. For example, in Nepal the media is pressurized to report favourably about the

government and refrain from writing anything positive about the Maoists. This ensures that people get a one-sided view of the conflict and never understand it in perspective. The case for patriotism which sways people is built by the media.

- The role of the media in conflict depends on three major factors namely nature of the conflict, Media Environment/Media Culture and Media Bias. Since, the study was concerned with examining three different kinds of conflicts, varying patterns of conflict reporting have emerged. Whereas in Kashmir, the media faces a dilemma between militants and security forces, Sri Lankan media's reporting is guided by ethnic biases. In Nepal, the media can play a peace building role but is hampered by the lack of resources, training, and infrastructure. What is common between the three cases is that the media is caught between the conflicting parties and its loyalty to either of them. Objectivity remains an illusion. The degree of media freedom in the three cases is also varying and subject to pressure from both internal and external forces.

If we do not want to see a repeat of the media's role in conflicts like the one played out in Iraq, Afghanistan, Vietnam, Bosnia, then the media ought to stop playing into the hands of the government or external agencies. Media should cease to be the mouth-piece of the government of the day. Instead it should be a site for critical discussion. The media's role in conflict can be defined by one central argument i.e. – question and counter-question. This is what the media should aim to do. Only then can it play a constructive role in conflict and do its bit for truce, peace and resolution. It can erase the dominant nationalist framework in the reporting of conflict. Media cannot assume the role of a peace activist but at least it can create an honest space for discourse on the conflict - a space which is free from propaganda, malicious and dubious intentions. Media needs to play a part to defeat those forces which have a stake in prolonging the conflict. For this, journalists need to transcend parochial boundaries of nationalism and be citizens of a united South Asia.

Why is the case of South Asia peculiar? South Asia represents a potent mix of ethnicity, religion, culture and this is one of the reasons why the region is driven by a number of conflicts (Peace and Reconciliation in South Asia: Challenges and Opportunities, 2008). However, this diversity can also be used to the region's advantage. The nature of South Asian media is also varied. While some countries have moved far ahead in terms of media freedom, countries like Pakistan and Afghanistan are on the other end of the quarter. To ensure that media does not become a cause for the aggravation of conflict it is necessary to bring South Asian media on a common platform. Attempts for this have been made through platforms like

SAARC and SAFMA (South Asia Free Media Association) which serve as meeting ground for journalists, media professionals and media owners. These forums are apt for devising a common approach for mitigating conflict and letting media play a more constructive role in peacemaking. Media's responsibility should also not be limited to the actual conflict situation, but it should be called upon to play a positive part in pre-conflict and post conflict scenario by helping to identify the trouble spots and speeding up the process of reconciliation.

South Asia should divert its attention towards much more important concerns like poverty, illiteracy, disease, threat of nuclear weapons, poor infrastructure and development, health, education. Being inter-locked in conflicts will prove to be detrimental for the well being of the sub-continent. Media has to come forward and play a leading role in bringing about change. Rise of new media and alternative media like blogs, community radio, mobiles, and internet has already raised hopes for a future free of conflict. The populace of South Asia deserves peace and development and the media owes it to them to spearhead this regime of change.

Notes

1. <http://www.sfcg.org/>, <http://www.crnhq.org/>
2. Journalism that is practiced by reporters in a group and that is marked by uniformity of news coverage and lack of original thought or initiative. Used specifically with reference to war reporting where the media by and large toes the official line.
3. *Masala* is a term given to films of Indian cinema that mix various genres in one film. Typically these films freely mix action, comedy, romance, and drama or melodrama.

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The Executive Voice of Asian Women: An Empirical Study on Managerial Effectiveness

A Somalingam & R Shanthakumari

Abstract

This paper is a theoretical discussion and literature review which examines the status and managerial effectiveness of women managers in the Asian region. Though gender disparity prevails in almost all the countries, the status of women managers/executives is better and advanced than that of uneducated and unemployed women. Wanous and Colella (1989) found least amount of organizational research on socialization and commented, about “the greatest disparity between theory and data, being theoretically sophisticated yet empirically undeveloped”. This is an empirical study that tries to explore men and women managers’ effectiveness in the Asian organizational context. In this study, the important and specific traits of managerial effectiveness are grouped under four domains, such as, business ethics and corporate social responsibilities, socialization, leader efficacy and competitiveness. The different variables of four domains are measured using ‘t’ and ANOVA tests. Convenient samples were collected for the study from foreign travelers and Indians through self-administered Semi-Structured Interview Schedule. Implications of the findings are discussed.

Key Words: Managerial Effectiveness, Socialization, Leader Efficacy, Business Ethics, Corporate Social Responsibility, Asian Women Manager, Gender Stereotype, Competitiveness.

Introduction

Though small discrepancies exist here and there, Asian people traditionally belong collective and high-context cultures where women often stay at home and look after the family management including child care and men go out of home for earning. As a result, professional outlook among the women are restricted. But the recent decades have brought revolutionary changes in the life style of Asian women. Until 1970s, women managers occupied the relatively “softer” side of organizational functions and from 1980s onwards they started participating in engineering, manufacturing, financial servicing, stock broking and had roles even in police and defence to some extent.

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In the 6th Asian Women Parliamentarians' and Ministers' Conference of AFPPD, there were eight *millennium development goals* discussed with emphasis on gender equality, women's empowerment and income generation (AFPPD 2008). About 80 parliamentarians from more than 20 countries of Asian region participated in the conference and is one among the milestones of women development.

Race and sex are the two important criteria that influences disparity in management position globally per form. With regard to organisational role, women and men are historically assumed to different roles. Certain jobs have traditionally been considered more appropriate for men and some other jobs for women. But the recent competitive trend witnesses tremendous growing opportunities for women and there will be a narrowing gender gap in the years to come. Women's representations and their leadership have been widely accepted in most of the regions in socio-economic and political organizations. Though women have made great strides achieving positional success within business organizations (Fortune 2007) and government, they are still underrepresented at the higher levels of these organizations. This is an empirical study that tries to explore men and women managers' effectiveness in the Asian organizational context and to find out significant difference if any in the managerial traits. Though innumerable traits and behaviour are available to suit different human beings, only some important and specific traits are considered for the study.

Research Problem

Many gender-centered theorists revealed that biological, psychological and sociological pattern has prompted women to exhibit traits and behaviours that are not conducive to becoming successful managers. Men are perceived by themselves as possessing masculine characteristics (such as aggressive, forceful, strong, rational, self-confidence, competitive and independent) and women are perceived by themselves as well as by men as possessing feminine characteristics (such as warm, kind, emotional, gentle, understanding, helpful to others and aware of other's feeling: Feather 1984 & Schein 1972). Though many efforts have been made, the gender-stereo type exists in almost all the countries. This empirical study tries to explore significant differences in the perceptions prompted by gender and management theorists on women. This study also explores review of literature to identify the present status of women managers in the Asian region and to identify the important traits and behaviour of currently operating managers.

Research Questions

The research questions posed are,

- 1) Do women managers have a positive attitude in adapting *business ethics* and *corporate social responsibility* compared to men?

- 2) Do women managers possess adequate *socialization* skills and still behave with stereotype management?
- 3) Are women managers inferior in managerial effectiveness with regard to *leader efficacy* in the Asian organizational context?
- 4) Do women managers excel in a dynamic competitive business environment at par with men managers?

Keeping the above research questions, the review of related literature is made as follows:

Review of Literature

There has been a dominating view by the organizational and management literature that gender does not matter for management. Gherardi (2002) commented that organizational theory as a body of knowledge about organisations and as a theoretical discourse has adopted the gender perspective somewhat belatedly compared to other academic disciplines like history or literature. He also strongly advocated to minimize gender difference. Basically gender difference of management styles are arrived on the basis of biological factors (Wilson 1993) and socialization processes (Xia & Whyte 1997), but both the approaches related managerial gender differences to dissimilarities in personality. However, empirical evidence is not unanimous (Druskat 1994).

According to US and international studies, during the past 30 years, societal expectations of “good managers” were closely related to male stereo type (Makus Gmur 2006). In a study of World Economic Forum (WEF) on ‘women’s empowerment’ comparing the gender gap in 58 countries—30 industrialized and 28 emerging markets—China (rank 33) and Korea (rank 54) scored the highest and lowest ranks, respectively among Asian countries (Lopez-Claros & Zahidi, 2005). The United States and Canada have two of the highest ratios of women to men in managerial positions (67 and 68 women for every 100 men, respectively). In New Zealand there are 48 women for every 100 men in managerial positions. In Japan there are 9 women managers for every 100 men; in Poland there are 18; and in India there are 2 (Neft & Levine 1997). Thus, it would be interesting to compare the attitudes of executives in the highest and lowest ranked Asian countries in terms of gender equality. Gender equality in the WEF study States that “the rights, responsibilities and opportunities of individuals will not be determined by the fact of being born male or female” (Lopez-Claros & Zahidi 2005).

From the 1980s onwards, there was a sea change in the Asian employment pattern; there has been tremendous growth in employment opportunity to both men and women executives, offered by both Western and Asian employers. Even UAE women started working in government, engineering, science, health care, media, computer technology, law, commerce

and oil industry (Omair 2009). Other than western region, women's employment participation is far better in Asian region. In the year 2005-2006, 34% and 37% women managers /professionals were appointed by US and Canada respectively as they are developed economies. China's workforce is 46.6% female, and women occupied 34% of all administrative and managerial positions in 2003 ("Breaking through the Glass Ceiling," 2004). In 1999, out of Korea's female work force (48.1%), only 12.6 were managers / professionals which are lowest in the Asian region. In Philippines, the rate of women managers/professionals increased from 22.7 to 32.8 (ILO 1996). The status of faculty women in the US higher education with reference to salary equity, was studied by Jane W. Loeb (2006). He reviewed that on equal employment legislation 1970 applicable to them, women in the US made large strides entering in the academic field, earning doctorates, increasing scholarly productivity in all types of institutions with equal salary and rank on par with men.

Business Ethics and Social Responsibilities

Today's business environment has changed the traditional thinking of domestic practice to a global mindset which poses several challenges to the business community as a whole. The new type of business practice emerges with speed, flexibility and innovation. Modern organisations started learning to change their faces by re-adjusting their own structure, culture and other working norms. *Globalisation* has made further complications with increased responsibility and accountability. Simultaneously, the question of business ethics (BE) and corporate social responsibility (CSR) remain unanswered. Over the past several decades India, Japan, China and other Asian nations from the Philanthropic model of social responsibility. Some commentators even argue that CSR is on the raise in India (India Brand Equity Foundation, 2010). According to a broad survey of Indian executives, many Indian firms have a sense of a social mission and purpose. "Indian executives do not see shareholder wealth maximization as their primary goal; instead, they take pride in enterprise success but also in family prosperity, regional advancement, and national renaissance (Michael Useem 2010). It is also perceived by many researchers that women managers are have a positive attitude in managing business ethics and corporate social responsibility. Ethical behaviour is preceded by ethical decision-making and ethical decision-making is influenced by moral reasoning (Trevino 1986). While discussing on support seeking, it is perceived that women are more support seekers than men. Thus a gender-based approach is necessary to identify the specific skills and knowledge of women managers in the region.

The organisational ethics is a broad concept which includes not only trust, but also processes, outcomes and character... a common sense of purpose and a set of shared values (Pearson & Imanuel 2003). The ethical process involves issues regarding financial, business, management, relationship decisions and day-to-day operations in an organisation. Many studies strongly support that gender differences in ethical attitudes is strong in developing countries as more traditional cultural values are found in this region (Deshpande et.al. 2000). If an employee

or an officer behaves unethically, then the executive in charge of the management is responsible. Most of the time, the unethical practice of any organisation member, irrespective of the role, not only affects the ambiance and good will of the organisation, but also the society and its obligations. Present day executives are not merely managers, but they possess abundant leadership qualities and frequently deploy innovations and manage uncertainties. Deborah C. Poff (2010) commented that despite the proliferation of literature on effective leadership, surprisingly little research attention has been devoted to the interaction among leadership traits, ethical behavior and corporate social responsibility as well. Leaders' actions both directly and indirectly establish the tone of an organization by the actions that are encouraged, rewarded and demonstrated (Grojean et al. 2004). Naturally, gender is not a matter for leaders, but it is matter for followers who have self-styled values and beliefs. For example, each person develops his or her own theory of leadership known as an individual's 'implicit leadership theory', which refers to beliefs about what it means to be a leader and his/her expectations of leaders (Eden and Leviathan 1975; House et al. 2004).

Socialisation of Women Managers

Socialisation is a value addition to organizational effectiveness which emphasizes the importance of collaboration, trust, interdependence, teamwork and decentralization to create a conducive organisational climate. Fisher (1986) stated that "there is pressing need to better understand organizational socialisation". The socialization literature has been criticized for the last decades for being mostly descriptive; lacking empirical testing; methodically weak, inadequate and poorly understood (Wanous and Colella 1989). In the samples of American, Canadian, Australian, Chinese, Pilipino, Thai, Russian and Ukrainian managers, it was found that women are less socialized than the men (Rosex and Stoneback 2004), but country-specific *t* test revealed that Chinese and Ukraine managers were less ethical in their decision making. The authors suggested that this difference was due to the different gender socialization processes in the educational systems of their respective countries.

For Asian women, socialization is an extended attribute of what they experience at home and in the schools. Women are naturally more ethical than men (Smith and Oakley 1997) and thus involve themselves as socialized personalities to be more caring than the male counterparts (Gilligan 1982). For example, if there is no one to bring coffee, the female member automatically feels forced to standup and serve others. This type of stereo type attitude is also prevailing in Asian nations. To maintain authority and control, it is always better for women managers to avoid such stereo types. According to Fischlmayr (2002), women tend to show stereotypical role behavior as a consequence of socialization. Walter Lippmann (1922) introduced the term "stereotype" to represent a typical picture that comes to mind when thinking about a particular social group. Hence, socialization has got its boundaries to a woman manager and it should not break the positional attitude of a manager.

Often it is perceived that structural barriers prevent women from the role of organizational leadership, for example limited access of information network as they devote more time to look after family, husbands' affair and are involved in child care. These perceptions are deeply rooted through traditional gender expectations and practices. But these perceptions may have limited scope for women who serve as organizational leaders. For example, Asian women executives are having more opportunities in service and IT industries. Consistent with the socialization idea, the literatures suggest that interactions with peers, subordinates and superiors contribute to their responses in on organizational setup. Hence it is perceived by Lord & Hall (2005) that social acceptance is a necessary element in producing meaningful shift in one's self-view as a leader; and novice leaders are sensitive to social feedback and seek social validations of their self-view as leaders.

As India has a collectivistic culture, maintaining healthy interpersonal relationship with subordinates is more important than task accomplishment (Kakar 1978). Kelly's (1991) Empirical research on socialisation supports the proposition that female managers are more cooperative, more empathetic, and have interpersonal relationships much more than the males. It is a universally accepted fact that understanding the most effective strategies and outcomes of the various socialization tactics may assist in creating and sustaining a competitive advantage through a productive, innovative and flexible workforce for the organization (Danielson 2004). Hence, gender-based research on ethical standards and socialisation processes is very much required for the organisations.

Leader Efficacy

Leader efficacy is reviewed as the person's confident belief that they have the knowledge, skill and ability to lead others effectively (Anderson et.al. 2008). *Divergent thinking* is a supportive tool for leader efficacy, is defined as a component of creative thought and flexibility in problem solving under various conditions (Gibson et.al. 2009). In their interpersonal, informational and decisional roles, managers try to balance *efficiency* with *effectiveness* depending on the situation, task and people involved (Mujtaba 2007). Effectiveness is a measure of the appropriateness of the goals chosen to get the firm to its destination. In his empirical study, Moore (1995) found that among the three forms of managerial interaction, women managers continuously outperform men in leveraging results from political overseers. According to Rosener (1990), women managers are interactional, transformational and flexible with task orientation; they are also less hierarchical and more participatory.

Managerial effectiveness is enough to become a manager. But for a higher position or top hierarchy, women managers need specialized skills to secure support from the people of the organization. It is perceived that men are more likely suitable for this kind of top management. However, feminists argue that men and women managers are different in gaining and

disseminating the network information (Powell 1993). There are some interesting notes on women's employment in Asian region. When compared with men, women are more loyal to work norms. Women may not change their jobs to simply further their career, but men do change frequently. Women are less determined in planning their career which is also subject to the family support.

To identify the value system of different gender in the institutionalized social structure, a study was conducted in Ghana (Boohene & Roselmond 2010). The result revealed that female managers gave significantly greater weight than males to power, ambition and social recognition aggressiveness where male managers were perceived to have values of risk taking, personal development, innovation, broadmindedness, capability, courageousness and imagination. In contrast, Northouse (2004) gave his opinion that women leaders are themselves the problem; because they are simply less suited to executive demands than men, unavailable because so few are sufficiently qualified or lacking in self-confidence.

Thomas W. Kent et.al. (2010) examined differences between men and women leaders of Germany with respect to transformational leadership behavior. Subordinates of the leaders rated the frequency of use of transformational leadership behaviors from five different categories, using Leader Behaviour Inventory (LBI). It was perceived that men and women leaders behave as leaders in the same way. It was also found that men and women do not differ in their general perceptions of others as leaders.

Competitiveness

Competitiveness is a risk bearing and challenging attitude of an individual. Today's business environment is more competitive and the challenge on managerial role is multidimensional. To overcome and to sustain in the business, managers need to make strategies continuously. With a view to analyse strategy making and aggressiveness, further review is made. The present day managers not only face internal and external competition; but also have to face domestic as well global competition. Hence, frequent changes are taking place in the business models of organizations with a more strategic orientation. This approach is on the line of shared leadership model which allows individuals with different skills to take the lead to ensure that all aspects of managing change are effective (Atter 2008). Managers need to focus on the appropriate strategies to manage competition and to meet demands of the stakeholders, customers, superiors and subordinates. To overcome these kinds of turbulent situations, managers have to possess specialised skills and knowledge with competitive spirit and aggressiveness.

In an investigation of managers from 44 countries, it was examined to find out three-groups of *upward-influence strategies*; organizationally beneficial strategies (standard prescribed and sanctioned behaviours), self-indulgent strategies (opportunistic actions that

place individual self-interest of the organisation) and destructive strategies (extreme self-interested and coercive behaviours that directly hurt others and often the company) (Ralston et.al. 2005). In this study, it was found that “organisationally beneficial strategies” is more acceptable to female managers of South Asia and “self-indulgent strategies” is more acceptable to the male counterparts of the same region. This perception is different in Eastern Europe and Latin Europe regions. In the early gender-based personality traits study, it was found that men are generally aggressive in their social behavior (Feingold 1994). But in contrast, Beckman, D., & Menkhoff, L. (2008) commented that women are significantly more risk averse, tend to be less overconfident and behave in less competitively oriented manner. It is perceived that women managers feel difficult in authority and credibility with the subordinates. In spite of that contrary comment, women in Asian region tend to grow in their organizational leadership recent decade. To consolidate these perceptions, this study is conducted with empirical testing.

“Having more women at the top will simply help us operate better” commented by Rene Obermann, Chief Executive at Deutsche Telekom (Moore, 2010). Companies from both western and eastern countries started realizing the impact of women executives keeping in view their fairness, smart work and competitiveness. As a token of appreciation, Prentice & Carranza (2002) narrated different approaches of women and men executives as women have traditionally been (and still are) seen as warm, empathetic and good team players whereas men are perceived to be more aggressive, assertive and result-oriented. Often researchers discussed more on masculine skills of men and feminine skills of women, but it is the emerging need of global organizations for balancing both the skills to gain competitive advantage. To meet competitiveness, today’s organizations require lot of legal and business formalities to confirm minimum standard of products and services, which are *quality management system certification* and *capability maturity models* (ISO 9001, CMM, etc.) operations. It is also the duty of the executives irrespective of the gender.

Successful leaders are often described as possessing and requiring agentic characteristics such as assertiveness, self-confidence, direction, competitiveness and problem solving (Arkkelin & Simmons 1985; Schein 2001). Eagly et.al. (2000) found that these characters are strongly ascribed to men than women and hence it was criticized by Schein (2001) as “think-leader – think-male” stereotype. Gender discrimination and gender-stereotype is widely seen in many Asian countries including India. But it is also perceived that these gender-bias and gender discriminations are limited among executives. Fiske et.al.(2002) witnessed that top leadership positions confer a “competence premium” to the holders which means that women in upper management gains greater acceptance than the women in lower positions.

Hypotheses

The research hypotheses are as follow:

Hypothesis I: Asian women managers have similar orientations in business ethics and CSR when compared to men managers.

Hypothesis II: Asian women managers have similar orientations in organisational socialisation when compared to men managers.

Hypothesis III: Asian women managers have similar orientations in managerial effectiveness when compared to men managers.

Hypothesis IV: Asian women managers have similar orientations in competitiveness when compared to men managers.

Methodology of the Study

The study is designed as a review and empirical study using an in-depth *semi-structured interview schedule* (SSIS) from 45 Asian women and men managers / professionals over a period of three months in India. The women were between 25 to 52 years of age (N:24, M:35.66, SD:7.39) and the men are in between 26 years to 58 years (N: 21, M:35.62, SD:7.95). The majority of the samples (99%) were working managers/professionals at the time of interview. The women had an average of 10.6 years of experience (SD: 4.28) and men managers had an average experience of 11.3 years (SD: 5.15). Samples were collected from Chennai metropolitan, Kanchipuram and Tiruvannamalai towns from travellers of China (11%), Singapore (9%), Honk Hong (7%), Malaysia (16%), Thailand (9%), Japan (18%), Korea (7%), Philippians (4%), and Indonesia (7%) who came to India for spiritual, tourism and business purposes. In addition, Indian managers (11%) were interviewed. In order to gain a fair comparative list, the SSIS was standardized and explained in foreign (English) language. The semi-structured interview was administered to identify two characteristics namely, personal characters and organizational characters specifically on i) business ethics and corporate social responsibility, ii) socialization, iii) leader efficacy and iv) competitiveness in the Asian organisation context. Based on the review, different components of the four variables were derived to frame interview-questions. Business ethics and CSR consists of five items, socialization and leader efficacy consist eight items each and competitiveness is arrived with six items.

As a preliminary interview, questions were raised on the personal characters, such as country of origin, age, educational background, managerial/professional position, marital status and work experience with a view to find the suitability of the respondent for the study. After having confirmed their suitability, the interviews were made to assess the similarities or differences of management role. Both women and men represent a variety of industries, namely health services, IT, banking, insurance, trading, government, education, manufacturing, media and enterprises, arts and crafts. As the interview was more personal and sensitive, due care was

taken in the process. Most of the interviews from both Indian and Asian women managers was more encouraging. Women were supported by men counterparts on many occasions. Since one of the researchers is a woman it was convenient to collect primary data. The profile of the men and women respondents is tabulated as follow:

Table 1: Profile of the Respondents

	Men Managers	Percent	Women Managers	Percent	Total	Percent
Marital Status:						
Married	16	(51)	15	(49)	31	(69)
Unmarried	4	(40)	6	(60)	10	(22)
Widow/Divorced	1	(25)	3	(75)	4	(9)
Total	21	(47)	24	(53)	45	(100)
Educational Level:						
Secondary	7	(47)	8	(53)	15	(33)
Graduation	11	(55)	9	(45)	20	(45)
Master/Professional	3	(30)	7	(70)	10	(22)
Total	21	(47)	24	(53)	45	(100)
Managerial Position:						
Top level	3	(75)	1	(25)	4	(9)
Middle level	10	(56)	8	(44)	18	(40)
Lower level	9	(39)	14	(61)	23	(51)
Total	21	(47)	24	(47)	45	(100)

Source: Primary data compiled

Measurement of Variables

To measure the values of respondents, a five point Likert-type scale was used. The measures are 5=Strongly Supported; 4=Supported; 3=Neutral; 2=Not Supported and 1=Strongly Not Supported. The important and specific variables (twenty seven) of managerial effectiveness are grouped under four domains. The respondents score is explained in Table 2:

Table 2: Respondents Score of Managerial Effectiveness

S.N.	Domain Variables	Criteria	Men Score M	Men Score SD	Women Score M	Women Score SD
1.	Business Ethics & Corporate Social Responsibility	Agreement with moral reasoning*	3.7	.71	4.0	.72
		Moral based decision-making	3.5	.71	4.5	.71
		Moral support seeker	3.3	.57	4.7	.57
		Ethical standard in the organisation	3.5	.57	4.5	.57
		Balanced behavior towards CSR	3.6	.55	4.6	.54
2.	Socialisation	Collaboration with team building	3.6	.51	4.5	.54
		Interdependence	3.7	.49	4.6	.53
		Trust	3.8	.64	4.6	.52
		Decentralisation	3.8	.66	4.5	.53
		Empathetic and concern	3.8	.63	4.5	.53
		Problem solving and negotiating	3.8	.60	4.4	.67
		Emotional intelligence	3.7	.62	4.3	.65
		Effective communication	3.7	.60	4.3	.63
3.	Leader Efficacy	Execution of managerial functions	3.7	.58	4.2	.61
		Prevention of stereo-type management	3.8	.56	4.2	.67
		Avoidance of role-ambiguity	3.9	.62	4.2	.65
		Decision making	3.9	.60	4.1	.69
		Divergent thinking	3.9	.58	4.1	.67
		Adoption of power and authority	3.8	.71	4.0	.70
		High degree of loyalty to work norms	3.7	.71	4.0	.68
		Boss-subordinate relationship	3.6	.79	4.0	.70
4.	Competitiveness	Agility	3.7	.78	4.1	.68
		Aggressiveness	3.7	.76	4.1	.67
		Goal orientation	3.6	.76	4.1	.65
		Striving for innovation and change	3.6	.75	4.0	.76
		Strategy making	3.7	.73	4.0	.75
		Sustainability *	3.7	.72	4.0	.73

Source: Primary data compiled

Data Analysis

Both descriptive and inferential statistics were used to identify the gender difference in the managerial effectiveness. The descriptive statistics included frequency counts, percentage, mean and standard deviation. 'T' test was used to find out the relationship of men and women Asian managers with regard to managerial effectiveness.

Hypothesis I: Asian women managers have similar orientations in business ethics and CSR when compared to men managers.

In order to find out the significant difference between men and women managers of Asian region with reference to business ethics and corporate social responsibility, 't' test is employed and the result is tabulated as follows:

Table 3: Gender-wise composition of Asian managers in relation to business ethics and corporate social responsibility

Variable	Sex	Number	Mean	Standard Deviation	Standard Error	't' Test value	'p' value
Business Ethics and CSR	Men	21	3.6	.547	.876	-3.227	0.011*
	Women	24	4.6	.547	.983		
<i>Note:</i> *Significant at 0.05 level							

Source: Primary data compiled

Since the value of 'p' is less than 0.05, there is significant difference between men and women Asian managers in perceiving *business ethics* and *corporate social responsibility*. It is also concluded that Asian women managers have *different* orientations in business ethics and corporate social responsibility when compared to men managers (*Hypothesis I*).

Hypothesis II: Asian women managers have similar orientations in organisational socialisation when compared to men managers.

In order to find out the significant difference between men and women managers of Asian region with reference to *socialisation*, 't' test is employed and the result is tabulated as follows:

Table 4: Gender-wise composition of Asian managers in relation to socialisation

Variable	Sex	Number	Mean	Standard Deviation	Standard Error	't' test value	'p' value
Socialisation	Men	21	3.8	.640	.727	-0.834	0.221**
	Women	24	4.1	.641	.748		
<i>Note:</i> ** Not significant at 0.05 level							

Source: Primary data compiled

Since the value of 'p' is more than 0.05, there is no significant difference between men and women Asian managers in perceiving *socialisation*. Hence, it is also concluded that Asian women managers have *similar* orientations in socialisation when compared to men managers (*Hypothesis II*).

Hypothesis III: Asian women managers have similar orientations in managerial effectiveness when compared to men managers.

In order to find out the significant difference between men and women managers of Asian region with reference to *leader efficacy*, 't' test is employed and the result is tabulated as follows:

Table 5: Gender-wise composition of Asian managers in relation to leader efficacy

Variable	Sex	Number	Mean	Standard Deviation	Standard Error	't' test value	'p' value
Leader Efficacy	Men	21	3.5	1.069	.749	-0.589	0.290**
	Women	24	3.7	.707	.723		
<i>Note: ** Not significant at 0.05 level</i>							

Source: Primary data compiled

Since the value of 'p' is more than 0.05, there is no significant difference between men and women Asian managers in perceiving *leader efficacy*. Hence, it is also concluded that Asian women managers have *similar* orientations in leader efficacy when compared to men managers (*Hypothesis III*).

Hypothesis IV: Asian women managers have similar orientations in competitiveness when compared to men managers.

In order to find out the significant difference between men and women managers of Asian region with reference to *competitiveness*, 't' test is employed and the result is tabulated as follows:

Table 6: Gender-wise composition of Asian managers in relation to competitiveness

Variable	Sex	Number	Mean	Standard Deviation	Standard Error	't' test value	'p' value
Competitiveness	Men	21	3.9	.268	.890	0.377	0.360**
	Women	24	3.7	.816	.839		
<i>Note: ** Not significant at 0.05 level</i>							

Source: Primary data compiled

Since the value of 'p' is more than 0.05, there is no significant difference between men and women Asian managers in perceiving *competitiveness*. Hence, it is also concluded that Asian women managers have *similar* orientations in competitiveness when compared to men managers (*Hypothesis IV*).

Analysis of Variance

To find out whether Asian men managers differ in the managerial effectiveness variables 'F' test is used and the value is tabulated as follows:

Table 7: Variance Analysis of Asian Men Managers with regard to Managerial Effectiveness Variables

Variance Source	df	Sum of Squares	Mean Square	'F' ratio
Between	4	0.586	0.147	0.201**
Within	16	11.7	0.731	
Total	20	12.286		
F significant at 0.05 level = 4.00 at 0.01 level = 7.08 Note: **Not Significant				

From the above table 7, it is noted that the computed "F" value is not significant either at 0.05 level or at 0.01 level. Hence it is stated that the Asian men managers do not differ in the managerial effectiveness variables, namely, business ethics and CSR, socialization, leader efficacy and competitiveness.

F' test is also used to find out whether the Asian women managers differ in the managerial effectiveness variables. The value is tabulated as follow:

Table 8: Variance Analysis of Asian Women Managers with regard to Managerial Effectiveness Variables

Variance Source	df	Sum of Squares	Mean Square	'F' ratio
Between	4	0.452	0.113	0.186**
Within	19	11.55	0.608	
Total	23	12.002		
F significant at 0.05 level = 4.00 at 0.01 level = 7.08 Note: **Not Significant				

From the above table 8, it is noted that the computed “F” value is not significant either at 0.05 level or at 0.01 level. Hence it is stated that Asian women managers do not differ in the managerial effectiveness variables, namely, business ethics and CSR, socialization, leader efficacy and competitiveness.

Findings

The findings of the study are significant both in terms of theoretical and practical standpoints as they contribute to the existing literature on effectiveness of men and women managers in the Asian context. As perceived by the researcher, there is significant difference among Asian men and women managers in the orientations of business ethics and corporate social responsibilities. For the difference, gender theorists gave many reasons including school background, family culture, social experience, mentor association, gender bias, racial influence and other reasons. It is also true that business ethics is a bewildering subject, now days. In most of the decisions of business ethics, high level corporate managers only can make decisions. In all other three variables such as, socialization, leader efficacy and competitiveness, men and women managers’ orientations are similar and it is an indication of Asian managers’ managerial effectiveness without gender bias. As a whole, with reference to ANOVA, Asian managers do not differ in their role perception.

Discussions

With the entry of India, China and other Asian countries in to the World Trade Organisations, the 21st century is going to be tremendously influenced by Asian countries for which human skill and knowledge is abundantly required. It is time to prepare both men and women for new assignments with international and global colours. Asian managers are showing growing interest for diversification from westernized thought of management. This may increase demand for leadership in Chinese (China Daily 2005). India and other Asian countries as a general awareness that emerging Asian leaders will likely be shaped by their historical, cultural and business contexts. There is significant and positive change all over the globe regarding women’s empowerment and educated women’s employment. Asian organizations have also experienced increasing women executives’ employment. However, they comprise just 10 percent of the Fortune 500 companies; less than 4 per cent are in the uppermost ranks of CEO, President, Executive Vice President, and COO, and less than 3 per cent of them are top corporate earners. In India too, it is no different (Sanghamitra Buddhapriya 2009).

In most of the Asian countries including India, men’s life option implies prioritization of work-over family and for women it implies prioritization of family-over work. In the India context, Rajadhakshya and Bhatnagar (2000) reported that men are more committed to work or occupation than women and that gender-role expectations and gender based socialization lead men to identify themselves with ‘work-roles,’ and women to identify themselves with family

roles. Even then, it was found in an empirical research conducted by Sanghamitra Buddhapriya, (2009) in India that there are different type perceptions among senior and middle level managers regarding stereotype barrier and roles and abilities to advancement.

Though the sample size is small in number (45), the present study can be generalized since most of the studies related to managerial effectiveness of women managers/executives are supported by many studies of Western and Asian countries. The first hypothesis is on gender difference of Asian executives regarding business ethics and corporate social responsibility. In the empirical test it is found that Asian men and women executives are having significant difference i.e. women are more ethical than men. It is supported by many findings that females are more predisposed to ethical situations than males (Weeks *et al.* 1999) and women are naturally more ethical than men (Smith and Oakley 1997). Fritzsche and Becker (1983) also found that men are more likely to ask for a bribe than women in an organizational context. On the other hand, there are also contradictory findings suggesting no relationship between the two (Robin and Babin 1997).

With regard to socialisation, it is a set of norms for managerial effectiveness and may differ from men to women executives. Posner and Powell (1985) concluded that because of experiences that occur before employment, men and women may differ in the ways in which they interpret organizational cues, and make sense of their organizational environments once they are employed. In the present study, it is found that there is no significant difference between men and women executives with regard to socialization. As supporting evidence, from the context of Western countries context, the debate around women managers has emphasized that they can be as good as male managers (Leigh-Anne Fortuin 2007).

Many literatures on leader efficacy discussed that there is a difference between men and women leader's styles (Grant 1988; Kim and Shim 2003) whereas a few studies witnessed that there is no difference. Research question three addressed whether women managers are inferior in managerial effectiveness with regard to *leader efficacy* in Asian organizational context? In order to assess the research question ANOVA was conducted. There is no significant gender difference in leader efficacy. This finding is supported by Eagly and Johannesen-Schmidt's (2001) research. According to them, gender difference in leadership behaviours is present but they tend to appear and disappear with *shifts in social contexts*. Leader efficacy is having similarity in many European countries. As discussed in the review, it was found that men and women leaders behave as leaders in the same way in the German business context (Thomas W. Kent et.al. 2010). It was also found that *men and women do not differ in their general perceptions of others as leaders*. In addition, Rosener's (1990) contribution strongly supports women managers who are interactional, transformational and flexible with task orientation; they are also less hierarchical and more participatory. These characters are closely related to managerial effectiveness.

In this study, the important issue is an assessment of gender difference in managerial effectiveness with regard to business ethics, socialization, leader efficacy and competitiveness. Many researchers found that women are some time inferior in their managerial effectiveness due to many reasons including male domination, poor access to business organization, inferiority complex, etc. The Gardiner and Tiggemann (1999) study found that women in a male dominated industry alter their leadership behaviors to conform more to their male counterparts' leadership behaviors. Ely's (1994) study indicated that women in sex-balanced firms reported women partners to be good role models by being professional, stylish, accessible and encouraging.

Conclusively, as strongly supported by Gherardi (2002), there is no gender difference with regard to organizational managerial effectiveness in all the variables except business ethics and corporate social responsibilities. In a study conducted by Andre Martin et.al., (2007), it was found that Asia Pacific women all more the collaborative in their approach to leadership with a significant shift in power in knowledge, collaboration, and express more feeling/emotion when compare with U.S. and Europe. He further explained that the raise globalization positioned Asia Pacific as the "Hot Bed" of global commerce with skills and knowledge towards collective leadership. Keeping in view the above factors, it is concluded that this study is a constructive attempt in assessing women managerial effectiveness in the Asian organizational context.

Implications of the Study

The results of the study are highly probing to study women's development and their managerial effectiveness in an organizational context. Its implications are interesting and induce further research on specific and general areas of managerial effectiveness. Many researchers comment that women follow different styles with different behaviours in an organizational context. The ultimate objective of this study is not to identify the styles or qualities of executives but their effectiveness in the organization. In this study, more women are represented with an increase of 14%. Interestingly, findings of this study reinforce some of the results of the previous studies recently done. These findings have important implications for researchers and employers while making decisions on recruitment of women executives and searching for their managerial skills and knowledge so as to set human resource standards and human resource policy.

Limitations and Suggestion for Further Research

Sample size is a limitation for the study. The findings of any social study is not fact, but near to fact. As the study is made from the view point of Asian managers perception, limitation may be there as in any other case of social research. This study also found only gender and not other demographic characters like education, family, cultural background, tenure in the

particular organization etc. In addition, the generalization of the findings may be questioned as this study represented variety of industries, namely health services, IT, banking, insurance, trading, government, education, manufacturing, media and enterprises, arts and crafts. A study on specific or similar industry would have given more reliable information. As Sanghamitra Buddhapriya, (2009) empirically found, perceptions differ according to the top, middle and lower levels of women managers. Due to finance and time constraints, this study is conducted in India with the travelers. A different study on a different industry may result in different findings or similar findings.

The results of the current study indicate a need for further research in several directions. Firstly, the study aimed to find out business ethics and social responsibility of women managers which is one of the growing fields of study with regard to women executives. The Asian organizations are becoming more international and the global creation of a multicultural environment is a challenging task for today's executive especially for women. Hence socialization of women executives has further scope. Traditionally, there are many number of theories advocating different leadership styles, qualities and traits for organizational and managerial effectiveness. But the present day management is highly competitive and very different than ever before with greater amount of uncertainties. As the role of women is also gaining importance, this study inculcates wide scope for further research.

Conclusion

Though gender-discrimination exists all over the world, particularly in the Asian region, it is concluded that the discrepancies are limited at the managerial level. Secondly, it is also perceived that the organization climate is conducive for both men and women managers in Asian countries. Taking managerial role into consideration, it is also true that leaders are not born. They are created either through self or by others influence. There are theoretical and empirical evidences that opportunities for good education, training and other family and social conditions will make a girl child a powerful woman manager/professional. Thus, organizations have to turn vigorously and firmly to procure organizational capacities and inherent abilities wherever and from whomever possible.

To reduce the gender gap at organisational level, organisations must have policies for gender equality and be women friendly. The policies must be framed with an emphasis on "role-clarity" of managers rather than gender or sex-partiality. It is also noteworthy to remember that *gender is not a matter for leaders, but it is matter for followers who have self-styled values and beliefs*. Today's economy poses potent threats and severe challenges to the global organizations. The shares of women executives will definitely make a very big difference in the future of organizations. Discrimination and denying opportunities to women is a crime in many Asian countries. Similarly, unutilised manpower is a blunder mistake on the part of developing economies.

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Track Seven of Multi Track Diplomacy: Religion in SAARC Context

Neelam Choudhary

Abstract

*Does religion matter in international relations and diplomacy? Yes, says the writer of the book *The Mighty and the Almighty*. Albright also feels that secularly based conflict resolution has not produced desired results¹.*

There are numerous studies in favour of giving due recognition to religion. It cannot be excluded on any ground. For instance Alan Geyer wrote, “Peacemaking, whether in personal, group, or international relations, requires a variety of capacities for self-transcendence: transcendence of one’s own interests and perspectives for the sake of understanding the interests and perspectives of the other side, which calls for the virtue of empathy; transcendence of one’s pride and defensiveness, which inhibit the acknowledgment of injuries done to others—a capacity for repentance and perhaps restitution; transcendence of one’s own grievances and desire for vengeance over injuries inflicted by others— a capacity for forgiveness” (Glen Stassen, ed., *Just Peacemaking: Ten Practices for Abolishing War*, Pilgrim Press, Cleveland, 1998).²

A recent article in *The Economist* asserts that, if there ever was a global drift toward secularism, it has been halted and probably reversed. In the article, Philip Jenkins...predicts that when historians look back at this century they will see religion as “the prime animating and destructive force in human affairs, guiding attitudes to political liberty and obligation, concepts of nationhood and, of course, conflicts and wars.” The article then cites statistics from a public opinion survey in Nigeria demonstrating that Nigerians believe religion to be more central to their identity than nationality. Nigerians are thus more likely to identify themselves first and foremost as Christians or Muslims rather than as Nigerians. The horrendous events of September 11, the conflagration in Iraq, and the aggressive assertiveness of quasi-theocratic Iran only confirm in the popular mind that religion lies behind much of contemporary international conflict.³

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Many issues unfold while flipping over the pages of literature. In USIP initiated interfaith-trialogue meetings in July and October 2002,(which later resulted in a report in 2003), many observers felt that the public response to the Oslo process in the Arab-Israeli conflict could have been more positive if religious leaders had been drawn in and associated with the process.

“The negotiators insisted that the Oslo process remains exclusively secular. The involvement of religious actors could have helped avoid the alienation that key members of the respective religious communities felt toward Oslo.”

Religious diplomacy, or “faith in action”, is an effort by the worldwide religious community of many denominations to teach (or remind) people of the world that religion and belief systems are founded on peace and love rather than on violence and war. Diamond and McDonald sampled a list of eleven faith based groups involved in peace activism. Of these, eight are Christian, one is Jewish, one is Buddhist, and one is Hindu.Practitioners of religious diplomacy must walk a fine line at times.⁴

Track Seven successes are not measured in terms of overthrow of governments or changes in national policy. Rather, they are the success stories of person-to-person interaction that brings goodwill and understanding to the parties involved.⁵

When conflicts assume religious overtones, religious power-brokers can emerge, apart from formal institutions and chains of authority. At the core of its nature, religion is a critical consideration for development programs, because it often transcends geographic boundaries and can be used to reach a wider network of followers. The result has both positive and negative implications for the world today, where it is estimated that more than two-thirds of the world’s population identifies with a religion. (USAID 2009)

In a column in the New York Times in Nov. 2001, Thomas Friedman wrote:

“If 9/11 was indeed the onset of WW-III, we have to understand what the war is about. We are fighting to eradicate terrorism. Terrorism is just a tool. We are fighting to defeat an ideology: religious totalitarianism”.⁶

One could say that religion has always played a significant role in public life and that there is nothing new about the politicisation of religion or the religionisation of politics. While this is no doubt true, it is also the case that religion has taken a back seat politically ever since

the secular values of the European Enlightenment were imposed on Western societies in the eighteenth century and thrust upon the rest of the world as part of the inheritance of colonial influence in the nineteenth and twentieth centuries (Masuzawa 2005).⁷

The role of religion in politics has undergone transformation. It hangs on many factors. According to Chatterjee, “The issue of religion in politics in modern times is somewhat like the Gordian knot, because despite repeated attempts to establish any straightforward relationship between the two, either in terms of setting up a religious state/theocracy or a secular state, success has proven elusive. A large number of social scientists....are inclined to identify ‘secularism’ as one of the attributes of modern states... the more modern a state is, the less role religion plays in its public sphere..... So the intractable relationship between religion and politics needs be put in proper perspective.....Modern states tend to accept the principle of popular sovereignty,which is assumed to entail a degree of secularisation.....” (Chatterjee 2008)

The Political Role of Religious Minorities in Afghanistan finds mention in a paper by Sanaullah Tasal. The author discusses that the fact that the Shi’a communities’ political involvement grew during the era following the Soviet invasion (so much so that they fought alongside the Sunnis against the Soviet invasion in 1979) and in the post-Taliban Era (due to their strong participation in the past civil war) was an exception. “Other religious minorities are denied access, by law or practice, to a number of key positions in the state apparatus such as president, army generals, cabinet minister, ambassador, provincial governor, mayor, etc” (Tasal 2010).

Veer (2002) gives an account of religious movements in the public sphere. He observes that in South Asia, religious movements have had their origin in the colonial period or are successors of those movements. “The most important among them want to unify and homogenize the religious community. As such they respond to what they perceive as the assault by the “pseudosecular” state and attempts at conversion by other religious communities. In all these movements, both clerics and intellectuals, trained in secular institutions, play a dominant role.” He then quotes some other studies. “Striking is the position of leadership in militancy and interethnic violence taken by Buddhist monks in Sri Lanka (Tambiah 1992), Muslim clerics in Pakistan (Nasr 1994, 2000), and Hindu monks in India (van derVeer 1994, McKean 1996). Among the Hindu movements, most attention has been given to organizations connected to political violence, such as the Rasthriya Swayamsevak Sangh and the Shiv Sena (Ludden 1996;

Hansen 1999, 2001). Among the Muslim movements both the Tablighi Jama'at, an avowedly apolitical movement, and the radically political Jama'at-i-Islami have been subjects of study.”

Religion playing a catalytic role in conflicts

Martin Marty points out in *Religion, Ethnicity and Self-Identity*, most of the time religion—as a way to find “communion, consolation, and integration into systems of meaning and belonging”—is not “an instrument for killing”. But it has revealed itself many times as a suitable weapon for disruption and killing. This is true in places such as Kashmir, Sudan, and Israel/Palestine.⁸

In Introduction to *Interfaith Dialogue and Peace Building*, Smock writes: “With regrettable frequency, religion is a factor in international conflicts. Rarely is religion the principal cause of conflict.....but religion is nevertheless a contributing factor to conflict in places as widely scattered as Northern Ireland, Middle East,..... and Kashmir.”

If we sit musing on the history of conflicts anywhere in the world, it seems it has a lot to do with religious fundamentalism.

Samuel Huntington’s *The Clash of Civilizations and the Remaking of World Order*, suggests that future struggles will be fought out between civilizations based on religion, equating religion with civilization, and hence the principal source of endemic conflict.⁹

Another such study shows that the post World-War II international disputes and many border issues are can be ascribed to religious factors. It further supports the following evidence:

“No continent can be said to be free from conflicts that if not directly inspired by religion (as in the Middle East or Northern Ireland), have it as a subtext along ethnic lines (Caucasus and Africa). In some cases religion might just be exacerbating an already difficult situation (Iraq)... ..The sectarian strife in Pakistan, communal tensions in India, ethnic conflict in Sri Lanka, and strengthening of the forces of radical Islam in Bangladesh—all have their roots in pandering to religious sentiments by the state. Be it the secessionist Punjab movement of the 1980s in India; the communal violence in the Indian state of Gujarat in 2002; the violent bomb blasts and other attacks perpetrated by the Islamist group Jamaa’ tul Mujahideen Bangladesh and influence of the political party Jamaat- e-Islami in Bangladesh; or the rise of the Mullah party Mutahida Majlis-e-Amal in Pakistan; most of these forces, it can be argued,

are offshoots of religious pandering” (Kapoor 2006). It shows that religion is also known for its catalytic role in conflicts.

The same study further argues that various international agencies find the South Asian nations at the bottom of the heap. “Indeed, violent conflict is one of the surest and fastest routes to the bottom of the Human Development Index table—and one of the strongest indicators for a protracted stay there. The Shia-Sunni conflict in Pakistan has claimed more than 4,000 lives; (Abbas 2004) all of Bangladesh’s opposition party’s top leadership was almost eliminated in an August 2004 Dhaka grenade attack;(The Daily Star 2004) and India lost face and more than 1,000 lives in the communal cauldron of Gujarat in 2002. Each nation continues to pay heavy costs in terms of repercussions that include—apart from lives lost—hampered economic growth and a weakened civil society. Each bombing or communal flare up means that many more man-days are lost, infrastructure damage, and adverse international image. It is uncertain if a direct connection can be proved between secularism of a state and sectarian peace in its society. But an absence of religion-based discrimination can surely make all constituents of a citizenry more comfortable with each other.”¹⁰

In ‘Search for Peace in Central and South Asia’(2002), Rajmohan Gandhi Proves many people (particularly western thinkers) consider all the South Asian conflicts as "religious" wrong. He argues that the Hindu-Muslim conflict in India, the various sectarian conflicts in Pakistan, the ongoing conflict between India and Pakistan over the Kashmir region, the various other sectarian conflicts in India (Sikh-Hindu, and especially in the Northeast, Hindu-Christian or Muslim-Christian), conflict between Muslims and Hindus in Bangladesh, and the devastating war between the Hindu Tamils and the Buddhist Sinhalese in Sri Lanka are religious conflicts in the sense that the opposing sides are adherents of differing religious beliefs, but they can only be fully understood when the ethnic, national, social, and political dimensions are taken into consideration. However, most South Asians, Indians included, are unwilling to conclude that religion has caused the conflicts taking place around them. Convinced of the benign character of their religious beliefs, South Asians are generally inclined to blame politicians or poverty for the conflicts.

Literature suggests that the religions of South Asia, though diverse, managed to live peacefully. Scholars like Cheema argue that it was like this till the British had not entered.

“With the arrival of the British, one begins to experience tensions among the followers of various religions.A simple glance at the history of South Asia clearly depicts that while the differences continued to be aired periodically the religious conflict remained dormant and never acquired dangerous proportion where the state security was really jeopardized.in recent times religious violence has increased in South Asia. The advent and activities of Jihadis in Pakistan, the Hindutva ideology of RSS and the activities of Sangh Parivar in India, separatist notions of Tamils in the north of Sri Lanka, and ideologies such as Maoist movement in Nepal all reflect this trend. Religious based nationalism along with ideological extremism has given alarming rise to violence.”

In a conference with the theme, ‘Anatomy of Religious Conflict in South and Southeast Asia’ (2005), the religious conflicts of South and South East Asia were widely discussed. The discussion included topic like Religious Resonances in Bush’s ‘War on Terrorism’, Islamic Doctrine and Violence, Countering New Age Terror, Conceptions of Jihad and Conflict Resolution in Muslim Societies, The Sectarian Conflict in Pakistan, ‘Hindu-Muslim Riots, analyzing Religious Conflicts as Wars of the Third Kind, Lessons in Interfaith Dialogue and Reconciliation for Southeast Asia, towards Better Peace Processes and Problematising the Role of the State in the Dynamics of Religious Conflict in Indonesia.

We can’t turn a blind eye to the Kashmir problem, a bilateral problem with international dimensions. Scholars like Ahmad attribute it to religion.

“The “Pakistani” viewpoint has it that since Pakistan was created on religious lines, Kashmir being predominantly a Muslim majority region fits within this scheme. On the other hand, India, professing itself to be a secular state with a constitution structured on those principles, also claims Kashmir as the “center piece of its secular and democratic diversity”..... The Kashmir dispute is a political problem and its solutions can only be found politically, but the religious dimension of this conflict cannot be ignored” (Ahmad 2010).

In an essay, using the Punjab conflict as a case study, Thomas provides a theoretical model of dispute resolution and crisis management for conflicts in which one major actor can be described as religiously fundamentalist. This approach is designed to expand the array of tools available for settling differences between secular or moderate religious governments and "fundamentalist" groups. It discusses the following qualities of fundamentalist movements that shape their behavior in predictable ways:

- 1) A sense that the group's basic identity is threatened;
- 2) A tendency towards oppositionality;
- 3) Absolutism in rhetoric and action;
- 4) A literal interpretation of sacred text;
- 5) A Manichaeian world view;
- 6) A belief that events are unfolding as part of an inevitable eschatological or mythological drama;
- 7) A propensity towards violence;
- 8) a penchant for authoritarianism;
- 9) and a reliance on charismatic, but pragmatic, leadership. These characteristics, taken together, distinguish fundamentalist groups from organizations motivated by ethnic, nationalist, or "moderate" religious sentiments. Moreover, they influence how fundamentalists respond to actions, threats, offers, and other negotiation tactics.... (Thomas 1999).

In a study carried out by Cooperation for Peace and Unity (CPAU) on 'the role and functions of religious civil society in Afghanistan: case studies from sayedabad & kunduz', the researchers came out with certain interesting findings. The executive summary of the study shows: "In Afghanistan, relations between the government and religious actors and religious actors with other civil society players are complex. Throughout the history, governments have sought its approval, and even existence, from religious authorities. In return religious actors function as advisors to the government."

In the South Asian Journal conference "Envisioning South Asia", facilitated by SAFMA, on 29-30 April 2006 in Islamabad, the Group on Religious Extremism and Minorities argued that both minority persecution and ghettoisation have to be countered. There is still a major deficit in terms of information and understanding about events across the region even among those actively engaged with various human rights causes...¹¹

Faith-based Organizations

The very fact that most of the contemporary conflicts have religion as a causal factor baffles us so much so that it seems as if different religions are as different as chalk and cheese;

hence they cannot co-exist. Thankfully, those views of us prefiguring such a dark view of the world are proved wrong with the success stories of interfaith dialogues.

Contrary to popular beliefs and theories about negativity being attached to religion, Stempel (2010) argues that far from being a purely negative factor, religion properly managed played, and may play, an even more important positive role in diplomacy and conflict resolution.

While explaining religion as a two-edged sword, Stempel further states that it can be a terribly divisive force as well as a unifying feature. An excellent assessment of the world's religions in terms of their potential for conflict/conflict resolution concluded that "...each contains within itself an internal tension with respect to how conflicts among human beings can best be resolved: there are both harmonizing and confrontational elements in each tradition."¹²

Organized around a confessional community, they (Faith-based Organizations) help members of their congregations to get together and pool resources, including sharing ideas, to tackle common problems. Their activities may include adult literacy classes and training in basic trades and skills. Their basic financial sustenance is assured by the confessional centre around which they operate – church, mosque, etc. – although often they contribute small sums towards the realization of their own projects (Ulimwengu).

Leonard Swindler describes inter-faith dialogue as conversation among people of different faiths on a common subject, the primary purpose of which is for each participant to learn from others so that he or she can change and grow. He gives importance to three main areas in this regard: the practical, where we collaborate to help humanity; the depth or spiritual dimension, where we attempt to experience the partner's religion or ideology from within; and the cognitive, where we seek understanding (of) the truth.¹³

Diana Eck asserts that inter-faith dialogue can be the basis for the creation of one world. "Laying the foundations for one world is the most important task of our time."¹⁴

Paul Mojzes, based on his experience in the Balkans states: "One could argue that religious leaders are able to find inspiration in their holy scripture and other traditions and writings to work with one another even when the relationship between politicians and the population is strained to the utmost and distrust prevails in society."¹⁵

Says Johnston in the Introduction: *Faith Based Diplomacy: Trumping Realpolitik*, "Time has come, indeed long overdue for taking concrete steps to inspire religious activity in more helpful directions." He notes that it is a factor too important to be ignored.

When conflicts assume religious overtones, religious power-brokers can emerge apart from formal institutions and chains of authority. At the core of its nature, religion is a critical consideration for development programs, because it often transcends geographic boundaries and can be used to reach a wider network of followers. The result has both positive and negative implications for the world today, where it is estimated that more than two-thirds of the world's population identifies with a religion. (USAID 2009)

A study of Iraq and Afghanistan demonstrates that military chaplains, as clergy and officers, occupy a unique space that blends a secular status and a religious one, making them well suited to serve as intermediaries between military and religious leaders in areas of conflict and post conflict stabilization..... (Adams 2006)

Religious organizations are a rich source of peace services. They can function as a powerful warrant for social tolerance, for democratic pluralism, and for constructive conflict-management. They are peace-builders and peace-makers.....With respect to war and peace, the religious approaches could be divided under two main categories: pacifism and just war doctrine (Life and Peace Report, 1990)¹⁶.Several religious organisations distinguish themselves through peace-making efforts. Those efforts could be of a traditional diplomatic nature or be categorized as Track II or Field diplomacy (Reychler).

A Special Report by the United States Institute for Peace (USIP) based upon a conference that invited dozens of religious organizations to speak to their definitions and activities that involved peacemaking states: "Religions and their affiliated nongovernmental organizations might offer training opportunities to local groups and leaders that could be used on the ground to prevent further violence.....All religions contain theologies and practices for peace and/or non-violence offering alternatives to the cycles of conflict and violence. Still more deeply involved are those religious leaders or groups that have developed trust and relationship with parties of the conflict so that they may offer or be asked for their services for mediation or even negotiation..... (USIP 2001)¹⁷

The following recommendations ensued from a seminar on 'Faith-Based Diplomacy' for the Kashmir peace process.

- An organic linkage between civil society initiatives and track one negotiations. ...Roundtables can be fruitful in three key stages of a settlement: attainment, maintenance, and deepening.
- To minimize the risk of participation, the roundtables could meet privately, away from media exposure, and on separate sides of the LOC.
- The roundtable goal should be to develop and to carry out concrete initiatives ...such as the return of displaced Hindu Pandits to the Kashmir Valley.
- After each of the two roundtable groups have gained experience working together, they should begin to meet with the other on both sides of the LOC to explore joint initiatives.

Together, these amount to an innovative approach to resolve international conflicts. (Philpott and Cox 2006)

Rare examples of religion binding neighbours

Association for Communal Harmony in Asia (ACHA) is a body focusing on inter-communal harmony in Asia. It has done a lot to promote peace within and between India and Pakistan.

In this regard, Chandran (2009) while exemplifying Baba Chamliyal Mela along the international border suggests that more such regional festivals and border *melas* could be organized ...all along the LoC. Inter-religious dialogues and peace movements of civil societies in South Asia have a manifest desire to end insurgency and counter-insurgency operations in the region to turn the region into a peaceful community. ...¹⁸

One more instance of religion having bound relations between two neighbours, India and Pakistan has been the Kartarpur Marg – Peace Corridor of Sikh community of the two neighbours.. (IMTD 2010).

Malerkotla, a Muslim majority town in Indian Punjab is known so much for its community harmony and inter-religious friendship that it is usually referred to as ‘island of peace’ (Bigelow).

Here is a recent incident cited in the April issue of *Journal of Turkish Weekly*:

“Hunched on the floor of Gurdwara Sis Ganj, a Sikh temple in New Delhi, Khurshid Ahmad Khan, Pakistan’s Deputy Attorney General, earnestly polished the shoes of devotees flocking to him either in delight or amazement. To him, polishing shoes served as penance for the brutal killing of a Sikh man at the hands of the Taliban two years prior in Pakistan. Engaging in this lowly act, for him, relieved the burden on his conscience about the problems that minorities face in his region” Sayyid (2012).

Notes

1. The writer is former US Secretary of State Madeleine Albright. (cited by Williams-III 2012)
2. Cited by Thistlethwaite (2003).
3. Cited by Smock 2008. The title of the article is: ‘In God’s name’ published in *The Economist*, Nov.1, 2007.
4. Cuthbert 2005.
5. Ibid
6. Thomas L. Friedman “The Real War”, *New York Times*, Nov.27, 2001 (Cited by Smock)
7. Cited in Global Civil Society Year Book 2006-07 (chapter 6)
8. Cited in USIP Special Report 143, July 2005.
9. Cited by Stempel 2000.
10. Kapoor 2006
11. Alam 2006
12. *Religion: the Missing Dimension of Statecraft* p. 280 (cited by Stempel 2000).
13. Leonard Swindler *Theoria Praxis: how jews, Christians and muslims can together move from theory to practice* (Leuven, Belgium: Uitgeverij Peeters, 1998), 24. (Cited by Smock *op.cit*)
14. Diana Eck, in Minutes, Sixth meeting of the working group of Dialogue with people of living faiths (Geneva, World Council of Churches, 1985),20-30. (Cited by Smock *op.cit*).
15. Paul Mojzes, “The role of religious leaders in times of conflict in multinational and multireligious societies” (unpublished manuscript, Nov. 2001, Cited by Smock in Introduction to *Inter-faith dialogue and peace building*).
16. cited in Reychler
17. cited in *Human Rights and Human welfare*, vol.9-2009.
18. Dahal

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Water as a Pathway for Peace in South Asia

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Abstract

Water, the most important of all natural resources has emerged as a key issue that would determine whether South Asia is steered towards cooperation or conflict. Water poses both a threat and an opportunity for the South Asian region. South Asia is the home of three densely populated river basins Indus, Ganges and Brahmaputra. There are numerous bilateral treaties and agreements, like Indus Water Treaty and Ganges Treaty, but these treaties are often hostage to the prevailing political animosity and are not showing any spill over effect. This paper tries to find out the hindrances which are blocking the South Asian countries to from moving in the right track of peaceful cooperation. It identifies the initiatives or lack of initiatives with regard to water sharing and water management in South Asia for building peace.

Introduction

Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, and Sri Lanka together called South Asia covers 3.3 percent of Earth's terrestrial area, but have a combined population of more than one-fifth of the world's inhabitants. The UN statistics shows that the region's population will rise by another 800 million people by 2050.¹ The South Asian region has been perceived as having abundant water resources, including the magnificent Himalayan snows, a vast network of perennial rivers, high monsoon rainfall, and rich groundwater aquifers. However, with the rapid population growth during the last century, pressure on these water resources has reached alarming proportions. Water availability per capita has decreased by almost 70 percent since 1950, and it is projected that by 2025, most of the region will be facing either physical or economic scarcity of water (when human, institutional, and financial capital limit access to water resources even though they are naturally available) (Jaitly 2009:14). Significantly, the countries of South Asia share common water resources and common water usage patterns, and so also share common water management challenges.

Water, the most important of all natural resources has emerged as a key issue that would determine whether South Asia is steered towards cooperation or conflict. Water poses both a threat and an opportunity for the South Asian region. As said by Kofi Annan:

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“Fierce competition for fresh water may become a source of conflict and wars in the future”²

“But the water problems of our world need not to be a cause of tension; they can also be catalyst for cooperation...if we work together, a secure and sustainable water future can be ours”³

Countries or provinces bordering the same river (known as “riparian”) are often rivals for the water they share. As the number of international river basins facing water scarcity has grown up, so do the warnings that these countries will take up arms to ensure their access to water (wolf *et al.* 2006:1). However, in reality several international water disputes even among ferocious enemies were resolved peacefully, even as conflicts erupt over other issues. In fact according to one study, instances of cooperation between riparian nations outnumbered conflicts by more than two to one between 1945 and 1999 (*Ibid.*). Water encourages people to forget their differences and co-operate to fulfil their needs. The number of co-operative initiatives on water sharing that outnumber the conflicts stands as a testimony to this strange yet beautiful tendency of water to unite even while it divides (Karthikeyan 2010:2). History shows that the only recorded water war was some 4500 years ago, when the two Mesopotamian city-states, Legash and Umma went to war. From 805 AD till now, countries have signed more than 3600 water related treaties.⁴

South Asia is the home of three densely populated river basins like Indus, Ganges and Brahmaputra. There are bilateral treaties and agreements, like Indus Water treaty, Ganges Treaty, and Mahakali Treaty on sharing of different rivers between India-Pakistan, India-Bangladesh and India-Nepal respectively. These treaties are very much helpful for solving the long standing water disputes between India and its neighbours. Although these treaties solved some of the water problems they are not showing any spill over effect to find out the solutions to other problems. These treaties are always hostage to political animosity as Ramaswamy. R.Iyer has rightly pointed out “it is not always a case of conflicts over water that worsen political relationships but on the contrary it is more a case of a difficult political relationship that renders water disputes more intractable” (Iyer 1999:1516).

An attempt is made in this paper to find out the hindrances which are blocking the South Asian countries to move in the right track of peaceful cooperation. It will identify the initiatives or lack of initiatives with regard to water sharing and water management in South Asia for building peace. The main focus is on India and its neighbours particularly Pakistan,

Bangladesh, Nepal and Bhutan. The first part highlights the trans-boundary water conflicts in South Asia and the treaties signed between different Countries to solve their problems. The second part draws attention to the problems present in these treaties for not showing any spill-over effect and attempts to find out how narrow national interest is becoming a hindrance in peaceful distribution. The third part focuses on how water can be used as a means of cooperation. The last part contains a brief conclusion.

Trans-boundary Water Conflicts in South Asia

Fresh water resources are extremely limited in supply. Out of all the water in the whole planet 97.21% is saline ocean water, unusable by human beings. Of the remaining 2.79% of fresh water, 2.14% is under glacial snow, 0.62% is aquifer and the remaining 0.03% is available for human use (Padowski and Jawitz 2009:108). The fast growing world population (about 80 million a year) is exerting increasing pressure on freshwater demands of about 64 billion cubic metres a year.⁵ Besides, over population, hyper-urbanization, and climatic anomalies are compounding the problems associated with water scarcity. According to 5th World Water Forum, there are more than 263 trans-boundary river basins around the world and hundreds of trans-boundary aquifers on which over 3 billion people depend.⁶ Since water security directly impacts human security, it is a potential source of conflict.

Though South Asia's water coverage is large, the distribution of water resources throughout India, Pakistan, Nepal and Bangladesh has constantly been a politically-charged issue, with tensions mounting over the control of water supplies emanating from scarcity, ill faith and bad governance (Uprety and Salman 2011:642). India, Nepal, Bangladesh and Pakistan together form the most populated region in the world with about one sixth of the global population. The population is ever increasing at the rate of 1.5%. If it continues to increase at this rate, by 2015 the total population of South Asia will reach over 1.8 billion (Singh 2011). Despite the priceless water resources, the problem of food shortage, unplanned urbanization, and rapid industrialization are some of the biggest challenges these countries are facing. The Ganges, Bhramaputra and Indus are the major river basins in the region. Nepal, India and Bangladesh share the Ganges river basin, whereas India and Bangladesh share Bhramaputra river basin, and the Indus river basin is shared by India and Pakistan.

The partition of the Indian subcontinent cut across the Indus river system in 1947. So understanding on water-sharing between the two new countries (India and Pakistan) formed by partition was clearly necessary. It was also necessary to facilitate the development of irrigation

systems in the western part of Punjab that went to Pakistan. After prolonged talks between the two governments, the constructive approach of Nehru and Ayub Khan, assisted by the good offices of the World Bank, led to the signing of the Indus Treaty in 1960. The water-sharing under the treaty was quite simple: the three western rivers (the Jhelum, the Chenab and the Indus itself) were allocated to Pakistan, and the three eastern rivers (the Ravi, the Beas and the Sutlej) were allocated to India (Iyer 1999:1509). Some 300 million people are estimated to live in the Indus basin, which covers a total estimated area of 1.12 million km², of which 8 percent lies in China, 47 percent in Pakistan, 6 percent in Afghanistan and 39 percent in India. The Indus is the mainstay of Pakistan, covering 520,000 km² and every province. It substantially serves the Northern Areas, the North West Frontier Province (NWFP), Punjab and Sindh province, and the eastern portion of Baluchistan (Siwakoti 2011). In India the principal tributaries of the Indus mainstream drain an estimated 440,000 km. These rivers supply water to the states of Jammu and Kashmir, Himachal Pradesh, Punjab, Haryana and Rajasthan. Over the last few decades there has been considerable fluctuation and an overall decline in the flow of the Indus (*Ibid.*).

Along with Indus Water Treaty there are some unresolved water disputes between India and Pakistan like Tulbul Navigation Project (or the Wular Barrage Project). Pakistan objects to this project on the ground that it involves the creation of storage on river Jhelum allocated to Pakistan and is therefore a violation of the Indus Water Treaty. India, on the other hand argues that no creation of storage is involved; and the proposed barrage will merely head up the waters temporarily, retarding the rapid depletion of flood waters, with a view to extending the period during which navigation is possible; and that the regulation involved will also benefit Pakistan. The inter-governmental talks on the subject have not so far been successful, but there is no reason to believe that an agreement will not eventually be reached (Iyer 1999:1509). Kishenganga Hydel Project on Jhelum and Nimmo Bazgo Project in Indus River are some other pending water disputes.

There are 54 rivers that crisscross the geographical contours of India and Bangladesh. The problem of resource allocation and sharing, primarily for irrigation purpose, is sensitive and politically charged in Bangladesh. Bangladesh is an agricultural society with 84% of the total population living in the rural areas, 61% of the total land area arable and 4/5th of the arable area under paddy cultivation. The Ganges Water Treaty in 1996 greatly reduced political friction but issues relating to the sharing of the Teesta waters and the Tipaimukh Hydro project that India plans on the Barak have opened up a new set of riparian concerns (IDSA 2010: 52).

The Ganges is one of the major rivers of the world shared by China, Nepal, India and Bangladesh. The conflict over the Ganges water between Bangladesh and India dates back to 1951 when India decided to construct the Farakka Barrage in order to divert water from the Ganges. When Pakistan (that time Bangladesh was part of Pakistan and called East Pakistan) became familiar about India's plans about Farakka Barrage, they started communications with India. Nine years long "letter exchanging negotiations" came to an end in 1960 when the first meeting of experts was held. Ten meetings regarding the barrage were held between 1960 and 1970. During these years, the two nations collected and exchanged a substantial amount of data. In 1970, Indian and Pakistani representatives agreed to establish a committee on water delivery and decided that Farraka would remain the point for water distribution. Following Bangladeshi independence from Pakistan in 1971; the Indo-Bangladesh Joint Rivers Commission was formed (Condon *et al.* 2009:9). It was only in 1996 with the installation of a new government in Bangladesh under the stewardship of Sheikh Hasina Wajid that negotiations on the water sharing front began seriously. Finally an agreement was reached and the Ganges Water Treaty was signed by the two countries on December 12, 1996 (Ray 2008:84).

The Ganges Treaty made the sharing of the Ganges waters at Farakka between India and Bangladesh on 10 day periods, during the dry season, starting from January 1, to May 31 every month. Both India and Bangladesh are guaranteed to receive 35,000 cusecs of water in alternate three 10 day periods during the dry season. This means that Bangladesh shall receive the guaranteed amount of water during March 11-20, April 1-10 and April 21-30, while India shall receive the same amount during the periods March 21-31, April 11-20 and May 1-10 (Maih *et al.* 2003:8). According to this treaty the water will be distributed according to this formula;

Availability at Farakka	Share of India	Share of Bangladesh
70,000 cusecs or less	50 per cent	50 per cent
70,000-75000 cusecs	Balance of Flow	35,000 cusecs
75,000 cusecs or more	40,000 cusecs	Balance of flow
1 Cusecs = 1cubic foot per second		

Apart from the Ganges, some other major rivers that flow between the two countries are the Teesta, Brahmaputra and Barak. Teesta is a tributary of Brahmaputra that flows through the entire Sikkim before entering Bangladesh. Because of water crunch in dry season India has constructed the Gozaldoba Barrage in the upstream and diverts water from the river. This disrupts the irrigation in the vast tracts of land and undermines Bangladesh's agriculture. Negotiations are going on between the two countries. The biggest problem for Bangladesh is the estimated 2.4 billion tons of silt carried by seven major river systems within Bangladesh territory. Another worrying factor for the Bangladesh is the Tipaimukh Project.

Nepal, a small country land locked between China and India, boasts of diverse topological regions and approximately 6,000 rivers and rivulets flowing through it. Nepal's 23 million people depend heavily on agriculture and tourism for their livelihood; approximately 90% of the population relies on subsistence agriculture. India is a lower riparian vis-a-vis Nepal. But given Nepal's water surplus, India does not fear being either denied water or being flooded. Nature has endowed Nepal with bountiful water resources. Since the beginning of the last century Nepal and India have entered into several treaties on the trans-boundary rivers with the objective of sharing benefits from the rivers. These treaties include

- Sarada Agreement (1920) on the Mahakali River which is now encompassed by the Mahakali Integrated Development Treaty of 1996;
- Kosi Agreement (1954) on the Kosi River, amended on December 1966;
- Gandak Project and Power Agreement (1959) on the Gandak river, amended on 1964;
- Tanakpur Agreement (1991) (*Ibid.* 19).

Lack of cooperation and clear-cut strategy are the main problems for water sharing between two countries. Nepal's mistrust, besides other factors, has been reinforced by what it perceives to be unequal treaties. There is unsatisfactory implementation of the commitments made in these treaties.

From Conflict to Cooperation

The strained political relations between the riparian countries and the complex orientation of the rivers in South Asia that cuts across a number of countries in the region brings out the strategic role played by water in the region. This has increased the significance of water in the foreign policy of all south Asian countries. While India has conventionally

preferred a bilateral approach in dealing with its neighbours on issues of sharing trans-boundary waters, such a stance will make it increasingly difficult for India to negotiate sustainable solutions with its neighbours on areas of common interest. The bilateral treaties signed by India with its neighbours are not showing any spill over effect.

Water can act as a conduit for fostering cooperative mechanisms, as exemplified by agreements involving hostile states, such as the Indus Water Treaty but the growing water stress in Pakistan and India is shaping discourse on water between the two countries. The increase in water stress since the early 1990s has also put strain on the Indus Water Treaty. This debate is mainly driven by the growing demand, decreasing availability of fresh water resources and degree of their dependence on the transboundary water resources. Water scarcity is often measured using Falkenmark's Water Stress Index (WSI) which divides the volume of available water resources for each country by its population. If the resulting average amount of water available per inhabitant falls short of a certain threshold value (1700 m³ per year) the country is considered to be "water stressed". Falling short of 1,000 m³ per person per year, is considered to be "water scarce" and finally, falling short of 500 m³ per person per year, is considered "water poor" (Ranvborg 2003:11). Going by this Water Stress Index, India has become a "water stressed" country while Pakistan a "water scarce" country (Akther 2010:10).

Due to growing water scarcity in India and Pakistan and ecological threat to the Indus basin rivers system, the Indus Waters Treaty is coming under stress. The Treaty was not able to play any role in averting conflict mainly because the institutions that deal with water and environmental resources are purposely divorced from national security strategies. This has led to an intense water debate in India and Pakistan in which hawks on both sides are talking about water wars and abrogation of the Treaty. The fact is that the Treaty was signed as a permanent solution to the water sharing problem between the two countries when water was in abundance in the Indus system. Given the climate changes underway, water insecurity in the basin has heightened, resulting in politicization of the water issue between the two countries. More recently, we have seen how water resources can be used as a means of reinforcing existing suspicions between hostile parties. After the Mumbai attacks of November 2008, Pakistani military commentators began to focus on India's violations of the Indus Water Treaty, suggesting that water resources were a latent cause of the perpetuation of the Kashmir conflict.⁷ This shows that there is a lack of cooperation between the states mainly because of the deeply entrenched interstate animosities rooted in the region's history, incommensurable national interests and policy priorities. Both the countries are showing unhappiness with the treaty and

calls for revision and expansion of treaty. So now the time has come for Indus II for solving the present and future problems between the two countries.

The treaty on the sharing of the waters of the Ganga entered into by India and Bangladesh on December 12, 1996 was a more significant document than most people had considered possible. Behind that success lay several factors: the patient efforts of the Indian Ministry of External Affairs from 1995 onwards to find a solution to this problem; the wisdom and courage of the Prime Minister of Bangladesh, Sheikh Hasina, in tackling an issue fraught with considerable political risks; the high priority that the Indian Foreign Minister, I K Gujral, attached to the resolution of the Ganga waters dispute; the constructive and sagacious role played by the then Chief Minister of West Bengal, Jyoti Basu, and the contributions made by his Finance Minister, Asim K Dasgupta, to the finding of answers to difficult questions that came up in the negotiations; and last but not least, facilitatory efforts at non-official levels (Iyer 1999:1514).

In the post-1996 agreement period, it has been generally assumed that the most important irritant in Indo-Bangladesh relations has been removed. However, the issue still simmers. For example, the state of Bihar is complaining that its freedom to exploit the river for irrigation is constrained by the treaty. The declining flow in the dry season has become a recurrent issue in Bangladeshi domestic politics (Tripathi 2011:71). Existing and anticipated hydrologic projects are also likely to be the main source of ongoing disputes between India and Bangladesh. Longstanding disputes over the diversions by the Farraka and the Teesta barrages, plus soil salinization caused by the Tipaimukh Dam, remain ongoing sources of contention between India and Bangladesh. Although India assured Bangladesh during a Joint Rivers Commission meeting in 2006 that it would not divert the Ganges and Brahmaputra rivers, the theory of diversion is rotating in India. In this context, ongoing talks between India and Bangladesh are a promising method for resolving differences over these many hydrologic projects. While Bangladesh has not been fully satisfied with prior outcomes, the results have generally been equitable. Those disagreements that have persisted have not developed into major disputes (Condon *et al.* 2009:39).

Teesta river, which is the most important river in north east of Bangladesh, and originates from Sikkim in the Himalayan range is presently the bone of contention between India and Bangladesh. During recent times it is the sharing of Teesta water which tops the list of water disputes between the two countries and Bangladesh has been insisting on reaching an agreement. In fact, both the countries in principle are agreed on the need for an agreement. But

the protest by Chief Minister Mamata Banerjee prevented the signing of a treaty, for which a proposal was mooted during Prime Minister Manmohan Singh's visit to Dhaka in September 2011 (Joyeeta Bhattacharjee 2012: 2). After the water sharing agreement was called off both the countries continued discussions on this issue. India's Rural Development Minister Jairam Ramesh visited Bangladesh in August 2012 and assured Bangladesh that agreement on the Teesta Water Treaty will soon become a reality (Hindu August 10, 2012).

Nepal has a deep seated mistrust and grievances towards India on water cooperation and these are historically rooted in the Kosi (25 April, 1954) and Gandak (4 December, 1959) Treaties. Though both the treaties were amended, Kosi on 19 December 1966 and Gandak on 30 April, 1964, the level of confidence never reached the levels necessary to forge riparian cooperation. Nepal's perception is that both the treaties are lacking vision and suffered from poor design, inefficient implementation and bad maintenance. The Mahakali Treaty of 1996 is quite progressive in terms of the institutional mechanism when compared to the Kosi or Gandak Agreements. A Mahakali River Commission has been set up, to be guided by the principles of equality, mutual benefit and no harm to either party. The commission will have equal number of representatives from both countries. Presently, Nepal is concerned over India's river inter-linking proposal. India has identified 30 link schemes. Five of the 14 river links of the Himalaya are directly related to Nepal's 28 storage schemes. These are Kosi-Mechi; Kosi-Ghagra; Gandak-Ganga; Sarada-Yamuna and Ghagra-Yamuna. These concerns will feature predominately in any water discussion and cooperation with Nepal (IDSA 2010: 52). There is lack of clear cut strategy for cooperation and difference on release of irrigation water for the Chandani Dodhra area in the Mahakali treaty. There is non-cooperation by Nepal for development of medium sized rivers. Many in Nepal are critical of selling hydro-electricity to India for hydro dollars. It is argued in Nepal that India should pay for the enormous benefits it will harvest from storage dams in Nepal. On the other hand India feels that the treaties are not faulty but there is lack of trust and genuine political will to implement the treaties (*Ibid.*: 61)

In spite of the alarming threat of water scarcity in many countries of South Asia, there has been constant and deliberate attempts to reduce the impact of the impending crisis on the people of the region. The problem lies in the leadership of the countries which has treated water strictly as a sovereign issue, ignoring the fact that many rivers and river systems that feed billions in the region transcend political boundaries. Water is treated as a political feature with the corresponding shorthand on rights, volumes and ownership describing the narrative. Petty squabbles, feudalistic approach and plain obduracy among the policymakers in the region have

considerably accentuated the possibility of a 'water war' not only between two countries but within the countries themselves.

Role of Water in Fostering Cooperation

The theme that “good water economics’ would automatically lead to “good water politics” is not suited to most of the countries of South Asia, because any attempt to apply principles of economics to trans-boundary water sharing pre-supposes political stability. The domestic policies within nations in the region play a significant role in determining inter-state relations. Take the example of India-Bangladesh relations. In trans-boundary sharing of water, one observes the massive politicization of water within both nations and all the more so in Bangladesh. In fact the decisions made by the two nations in the negotiation process shows that Bangladesh and India might have even gone to the extent of keeping the water disputes alive for internal political reasons (Karthikeyan 2010:18).

Bhutan is one of the best examples of how water can be used to make good economy. Bhutan and India has a symbiotic positive relationship in the area of trans-border water management which has brought very significant benefit to both countries. This shows that enlightened leadership, political will and mutual trust and confidence are necessary for mutual cooperation and benefits. The collaboration between India and Bhutan is an excellent example of how trans-boundary rivers can be managed within an overall collaborative development framework which uses water development as an engine for economic growth and poverty alleviation. Bhutan has 4 major rivers namely Ammochu (Torsa), Wangchu (Raidak), Punatsangchu (Sankosh) and Manas having the potential to economically generate around 20,000 MW of hydro-electricity. Bhutan exports most of its electricity to India. India is financing the projects in Bhutan which creates a win-win situation for both India and Bhutan (IDSA 2010: 63). The growing confidence has led to a recent agreement between the two countries to develop 10 hydro power projects namely Punatsanchhu I (1200MW), Punatsangchhu II (1000MW), Mangedechu (720MW), Jauri Gongri (1800 MW), Bunakha (180 MW), Sankosh (4060MW), Wangchu (900MW), Chamkarchhu I (670MW), Amochhu (620MW), and Kholongchu (650MW) with a total capacity of 11,636 MW by 2020 in Bhutan with an estimated cost of 500,263 Million-Nu.⁸ Because of these good relations, Bhutan has achieved a higher per capita income than India, Pakistan, Bangladesh and Nepal. Bhutan’s earnings from hydro power increased from 2363.7 Million, Nu in 2002-03 to 9953.2 Million, Nu in 2009-10.⁹

In South Asia, no country except Bhutan has made any real progress by using the waters of the river systems as a catalyst for economic development and poverty alleviation in the region. Had the three countries, Nepal, India and Bangladesh, approached jointly the planning and management of the trans-boundary rivers in a positive and constructive spirit, the benefits to all three, in terms of regional development, poverty alleviation and improvements in the quality of life of their people, most certainly would have been very substantial. Regrettably, this has not happened, partially because of political uncertainties that clouded the negotiations and partly because of asymmetric power relationships between the three countries. The overall situation of the region is not encouraging, since half of the population currently lives below the poverty line. In fact, in spite of recent economic advances, the total number of poor people in this region has continued to increase. Not surprisingly, the various health and social indicators of the countries still leave much to be desired. Water is one of the few resources this region that can promote long-term economic development. The abundance of water in the Ganges-Brahmaputra-Meghna region, as a shared resource, could be a principal driver of economic development for millions of poor people. The countries need to formulate and implement cooperative strategies and joint action plans in which water could act as the catalyst for economic take-off (Biswas 2011:668). Some of the possible way-outs are below, which can be implemented to make water as a platform for better cooperation.

Environmental cooperation provides lots of opportunities, but the need of the hour is that states and their institutions have to make use of them. The resource-based cooperation can only materialise if the ruling elites of the states are interested and prepared to take advantage of them. India needs increasingly to adopt a policy of fairness to dispel the misperceptions that smaller neighbours have against her. By adopting a flexible and reasonable approach in negotiating natural resource-sharing, India can possibly earn vital trust from its neighbours. The ruling elites of Pakistan need to abandon their agenda of using the 'India threat' factor as a means of gaining internal popular support; only then can both the countries taste the larger benefits of their environmental cooperation.

India needs to take a more pro-active stance in terms of formulating its foreign policy vis-à-vis its regional neighbours to extend the benefits of peaceful sharing of trans-boundary waters. Diplomatic engagement on the water resource front can yield enormous economic gains to all parties involved and bring about the sustainable development of the entire water basin as an integrated whole.

The Indian government's focus on the principle of bilateralism in dealing with Trans-boundary Rivers resulted in lack of multilateral treaties to govern the use of Trans-boundary Rivers. On the other hand, Bangladesh has been trying to open a new front through treaties with Nepal and Bhutan and is trying to include China also. Geographical realities shows that India is upper riparian with respect to Pakistan and Bangladesh, and lower riparian with respect to Bhutan and Nepal as well as China. But if we will take it at the basin level, then India is playing as a middle riparian country. So in all ways, India has to adopt a multilateral approach to solve the problems of water for humanity in general and for South Asia in particular.

The governments of all South Asian countries should take steps to enhance public awareness about water issues. Neglect of water issues could lead to tension and conflict in future in South Asia. In particular, there should be a greater discussion and understanding of the challenges faced by the scarcity of water. People should be made aware so that greedy politicians will not use poor people for their own benefit. There is a need for a more people centred approach so as to stop water bureaucracies from becoming a more powerful. If the South Asian countries want to stop the future water wars they have to trust each other and have to bring clarity in different treaties, as trust deficit and lack of clarity is the main cause of failure of treaties. So in short, South Asian countries need to co-operate, resolve conflicts, plan and manage the water resources jointly in order to achieve sustainable development and regional stability. This requires a sound legal and institutional framework agreed to by all parties.

Conclusion

Water should be regarded as a source of co-operation, as a potential means towards mediating and resolving existing conflicts. Disagreements about how our common water resources should be used are not unusual, but proper solutions must be found through mutual understanding and negotiations that are socially, economically, politically and environmentally acceptable. This can only be achieved through the free, prior, and informed participation of all the river basins-based stakeholders. At the same time, equal treatment should be given to all the countries and multilateral treaties should be formed to achieve greater prosperity.

Notes

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Book Review

Narlikar, Amrita (2010): *New Powers: How to Become One and How to Manage Them*, Hurst & Company, London, pp.199.

With the publication of Goldman Sachs report, “*Dreaming With BRICs: The Path to 2050*” in 2003, every discourse in international relations is surrounded by the development of the rise of new powers. The main questions and/or arguments which the intellectual community is seeking to answer are to what extent and how will the power transition affect the existing system. How do new powers manage to rise? Is it decline in the hegemony of established powers? Will the current rise of new powers threaten the existing stability or will it peacefully adjust itself in the international order. The book “*New Powers: How to Become One and How to Manage them*” by Amrita Narlikar attempts to answer such questions.

The book under review very well captures the rise of new power in global politics and shifts in balance of power by taking India, Brazil and China as the case studies. Narlikar, an expert on international negotiations, impressively analyses how these new powers have come to emerge by highlighting their negotiating behaviour and how these powers need to manage their aspiration of becoming great powers without challenging the established powers. Additionally, she works out ways by which the established powers can manage them without losing their grandeur. She further attempts to see the commonalities and differences in the nature of negotiation of these powers vis-a vis the established powers. She has spun the nuances of the three rising powers by dividing the book into five precise, yet small, chapters with the three core chapters devoted to each of the three powers.

Narlikar in the first chapter lays down the broad contours of the book by introducing the theoretical framework, defining her argument, conceptualizing her negotiation behaviour and elaborating on her four hypotheses which she analyzes against the three powers. Tracing the transition of power to the realist school of thought that perceives anarchy and war as an integral part of power politics, Narlikar analyses the current shift in power manifested in the three ‘new powers’ – India, China and Brazil. Toeing the line of the realists, Narlikar maintains that tensions and war become imminent with the emergence of a new power portending a challenge to the established powers in the international system. While arguing that ‘a real and recurring danger in international stability does indeed stem from the rise of new power’ (pp.1-2), she conceives this danger from the uncertainty in the intentions - understood in ‘status-quo’ and ‘revisionist’ terms - of the rising power that induces a ‘security dilemma’ rather than the rise and decline of powers perse. After putting the context under the theoretical framework, she proceeds to elaborate the term ‘negotiation behaviour’ by quantifying it into four variables: negotiating strategy, coalition, framing and leadership. Drawing on her earlier works, Narlikar explains the concept of negotiation strategy under two categories- distributive and integrative; coalitions into bloc and issue based; framing into fairness and efficiency; and leadership into willingness and demonstration of abilities and responsibilities, and bearing cost and broker compromises.

In the first hypothesis, Narlikar focuses on relative power and influence that determines the negotiating behavior of rising powers in various institutional settings like the World Trade Organisation (WTO) and United Nations (UN). The second hypothesis dwells on domestic politics as a determinant of negotiating behaviour which she further breaks down into three variables: old diplomatic styles due to institutional lag; domestic political culture and colonial legacies; and strategic dividends. The focus on systemic and domestic factors can be understood in the framework of Robert Putnam’s two-level game of negotiation which dwells on the interaction of domestic and international factors. As “*the main purpose of all strategies of foreign economic policy is to make domestic policies compatible with the*

international political economy” (Putnam 1988:431) Narlikar rightly recognized the impact of both domestic and systemic factors on decision-making. The third hypothesis focuses on institutional design which constitutes an important element of moulding policy decisions. Institutional structures have a direct bearing on negotiations as “*the rules and standard operating procedures that make up the institutions leave their imprint on political outcomes by structuring political behavior.... Institutions influence outcomes because they shape actors’ identities, power and strategies.*” (Putnam 1993: 7-8). Recognising that the first step for an effective negotiation analysis is to map the full set of potentially relevant parties in the context of the decision processes, Narlikar in the last hypothesis focuses on the actors involved in the negotiation process.

After convincingly weaving the context, Narlikar goes on to discuss the negotiating behaviour in various institutional settings of each of the three powers in three separate, chapters which form the core chapters of her book. The second chapter as is evident from the title, “*Wooing India: When No means No*” suggest that Indian negotiating behavior is described like what Stephen Cohen says, “*The India that Can’t Say Yes*” (2001). However, Narlikar finds that the negotiation behavior of India exudes mixed style which she skillfully summarizes as, ‘While on certain issues, such as nuclear non-proliferation, India has shown greater willingness than ever to join the international regime...in most other issues India has taken a hardline....’(p.23). However, she attaches a caveat saying that the threat to India’s future rise would lay “in the pitfalls of its own negotiation behavior” (p. 68). Narlikar suggests that the best way to deal with India would be to adopt a mixed strategy whereby there are reciprocal exchanges in one area over another.

The third chapter assesses the rise of China as the strongest contender in terms of hard power resources. Capturing the rise of China, Narlikar sees a gradual shift in the negotiation behavior of China from “passive, low-profile and reactive” (p.73) to a “more prominent stance” that presents “a challenge to the norms advocated by the established powers” (p.77). Narlikar maintains that the problem of pursuing such a strategy would result in China losing its position and advantages it has already earned so far.

The fourth chapter encapsulates the rise of Brazil as a ‘new power’. Analyzing its negotiation behaviour, Narlikar concludes that the ‘restrained diplomacy’ of Brazil makes it the most conforming nation compared to India and China and hence less threatening to the established powers. However, she argues that the flipside of such diplomacy would mean “risks being taken for granted” (p.135).

The fifth and the concluding chapter makes an assessment of the four hypotheses underlined in the first chapter against the three powers that the author analyzed in the previous three chapters. Considering the fact that rise of new powers generate security dilemma whereby the established powers would attempt to rein them, the author suggests that the rising powers must maintain a balance between revisionism and status quo so as to “signal a sufficient level of system conformity to show that they do not pose a threat to the system” (p.137). In addition, the author offers suggestion to the established powers not to trigger ‘retaliation’ or ‘appeasement’. This bears importance as the world is, as Huntington (1999) said, uni-multipolar where there exists one superpower and several other centres of power. The settlement of international issues thus requires the agreement of the superpower and the other powers which Narlikar described as “veto-players” (p.7). Further, she draws a comparison of China and Brazil with that of India in most sections to highlight the commonalities and differences.

Following the assessment on various counts of the three powers, the author offers suggestions to each of the powers to negotiate their further rise. Narlikar suggests that keeping in view China’s

recalcitrant attitude in recent years which reveals a challenge to the system and thereby possibility of containment by established powers, India should capitalize on this opportunity to create a “new reputation as a responsible balancer regionally and internationally” (p. 156). For China, who has already embarked on “occasional activism” in recent years, the best alternative would be to pursue a mixed strategy with more of integrative moves and less of distributive to balance her position. For Brazil, a more distributive strategy would be beneficial.

The book under review is an invaluable work as it delineates the rise and fall of powers, which has been an interesting component of international politics, while using established theoretical framework and also building new theoretical explanations. The distinctiveness of her work lies in the fact that it stands apart from other theories of international relations that explain power transitions through structural changes in the international system. Narlikar focuses on negotiating the behaviour of the new powers at various negotiation processes at international forums like World Trade Organisation (WTO), United Nations (UN), climate change and non-proliferation regime as it constitutes an important indicator “to determine the revisionist or status quo intentions of new powers and the challenges they potentially pose” (p.4).

The book has a thorough discussion on the negotiating behaviour of the three powers at various institutional settings of the past and present. As the title of the book suggests *New Powers: How to Become One and How to Manage Them*, the essence of the book is well explained. It not only provides an analysis of how the new powers should manage and maintain the power status but also suggests ways for the established powers to manage the rise of new powers by maintaining their position in the international system. In addition, by highlighting the merits and demerits in the negotiation behaviour of the three new powers, the author provides crucial steps for aspiring powers to facilitate their rise. She combines the established theoretical framework with her own insights as an expert negotiation analyst to offer an interesting reading for academia and scholars of international relations. The book is a must read for anyone who has an interest in understanding the present shifts in balance of power towards India, China and Brazil.

However, the author by painting a docile and tamed picture of Brazil heralds, what Raghav Bahl (2010) puts as, “the amazing race between the China’s hare and India’s tortoise”, excluding Brazil from the race. This has been reflected in Oliver Stuenkel (2011) review where he noted that “Narlikar’s Brazil section seems oddly out of date since it does not include Brazil’s decision to negotiate her analysis of Brazil is the weakest section of the book”. This is noteworthy in the sense that foreign policy of a country is dynamic in nature and that it changes with changing context and circumstances. Narlikar’s book itself accounts for the gradual change that has come about in the foreign policies of the three powers; yet one cannot, based on past experiences in term of “system conforming” and system challenging” perspectives, conclude that these powers would behave in a linear manner. One cannot predict the ‘intentions’ of states accurately as it attempts to, as Bahl quoted Den Xiaoping, “conceal brilliance and cultivate obscurity” (2010:76). Therefore, to say that based on negotiation behaviour of past and present the rising powers or the established powers would be able to comprehend their ‘intentions’ is to commit the fallacy of ‘predictions’ which Narlikar at the onset claims to avoid. Therefore, the suggestions she made pertaining to managing the status by the three powers and the established powers would be contextual. In this sense, Brazil’s self-restrained strategy at present could be seen akin to the strategy followed earlier by China and thereby seeking to avoid preemptive containment policies by the established powers, and hence the possibility that it might become assertive once the circumstances become conducive.

Another aspect which Narlikar overlooked was that rising powers are also regional powers and hence their relations with neighbours impinge on the negotiating strategy. The relationship between leadership-follower as Stefan A. Schirm (2008) suggests assumes some importance as the support and acceptance of the rising power by neighbours provides them the power to reach their goals. Detlef Nolte argues that the status of emerging powers is dependent on the recognition of this status by (1) other states in the region and (2) other regional powers (2010:892). Narlikar has delineated the recognition by the established powers but did not mention the relationship of the rising power with other states of the region where it is located and also other powers of different regions. This implies that the negotiating strategy is not only defined by the established powers but also other rising powers like India's perception of China and Brazil and vice-versa, and also Pakistan's support to India or Argentina and Uruguay's support to Brazil. For instance, India's claim to a permanent seat at the United Nations Security Council (UNSC) is opposed by Pakistan as member of the "Coffee Club" or "Uniting for Consensus". Similarly, Brazil's bid to a permanent seat at the UNSC is opposed by Argentina as a member of the same group. Having said that, the attempt by Narlikar to analyse the intentions of rising powers and rein the possibility of conflict is laudable. Through her analysis based on a single variable of negotiating behaviour, scholars of international relations can understand how, when and why the new powers have managed to emerge as formidable contenders in world politics.

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