



# Literature Review

## The role of regional organisations in managing memories of disputed territories

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### **Part 2 of 6: The South Asian Association for Regional Cooperation (SAARC), Memory and Mechanisms of Dispute Resolution**

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# Contents

Abstract

**The South Asian Association for Regional Cooperation (SAARC), Memory and Mechanisms of Dispute Resolution**

The Council of Europe and the Remembrance of Genocides

The European Union – Resolving Internal and Managing External Conflicts

Looking for Solutions: The application of deliberation in disputes on territories and memory management

Bibliography

## The South Asian Association for Regional Cooperation (SAARC), Memory and Mechanisms of Dispute Resolution

Through the case of Kashmir, this section explores the tensions surrounding the Indian/Pakistani border and the limited success of SAARC as a regional actor in attempting to resolve this dispute. The legacy of partition in 1947 and the memory of this in state-building narratives brings the border to the centre of politics, not only in India and Pakistan, but for the region.

The South Asian Association for Regional Cooperation (SAARC) came into being on 8 December 1985 in Dhaka, Bangladesh. Its current members include India, Pakistan, Sri Lanka, the Maldives, Nepal, Bhutan, Afghanistan and Bangladesh. It was founded for the following reasons (Dash 2012: 89):

- to promote the welfare of the peoples of South Asia and to improve their quality of life;
- to accelerate economic growth, social progress and cultural development in the region and to provide all individuals with the opportunity to live in dignity and realize their full potential;
- to promote and strengthen collective self-reliance among the countries of South Asia;
- to contribute to mutual trust, understanding and appreciation of one another's problems;
- to promote active collaboration and mutual assistance in the economic, social, cultural, technical and scientific fields;
- to strengthen cooperation with other developing countries;
- to strengthen cooperation among themselves in international forums on matters of common interest;
- to cooperate with international and regional organizations with similar aims and purposes.

SAARC's two strongest military powers are India and Pakistan, which are also nuclear capable states. They have been at daggers drawn over the Kashmir dispute since the time of

their creation in 1947. Apart from these countries fighting three wars over Kashmir, in 1948, 1965 and 1999, respectively, there have been innumerable border clashes over the issue. The territory of Kashmir is currently controlled by three parties: India, Pakistan and China. The last three decades have witnessed an ongoing indigenous freedom struggle in which Kashmiris have insisted on being granted the right to self-determination. However, they have not been able to achieve much through this struggle. Kashmir has traditionally held a special status within the Indian Union granting it autonomy over its domestic affairs under Article 370 of the Indian Constitution. However, India revoked that article in August 2019, which led to widespread suppression in Kashmir in response to the indigenous population's anger at their freedom struggle having ultimately led to the loss of their special status instead of the achievement of the right to self-determination (Gettleman 2019).

Indian-occupied Kashmir is the only Muslim-majority part of India. Since Pakistan was specifically created for the region's Muslims, it believes that Kashmir should have joined it at the time of partition. Pakistan is unwilling to compromise over Kashmir because that would mean compromising over the reasons for its own creation (Cohen 2003). On the other hand, Kashmir is also a living symbol for the validity of India's own motto: 'unity in diversity' (Kaul 2010). India is composed of a diverse set of people who speak a variety of languages. Some of these people have very little in common with other Indians. This means that India would never be willing to compromise over Kashmir because doing so would mean compromising over the rationale for its existence. If India were to acknowledge that people from a religion different to Hinduism cannot be part of the Indian union, that would mean that India would be in danger of becoming a state like Pakistan, which has a majority of people from one religion: Islam. That background makes it very hard for India to compromise over Kashmir as well.

As far as the resolution of this dispute is concerned, Pakistan has often insisted on the idea that the great powers should help mediate between itself and India (St. John 1997: 6). On the other hand, India is not willing to consider that option. It considers the unrest within Kashmir

as an internal matter and, at best, it is willing to discuss Kashmir with Pakistan as a purely bilateral issue (Vaish 2011).

Both sides have negotiated over Kashmir at different times. The former President of Pakistan, Pervez Musharraf, came relatively close to reaching some kind of compromise with India regarding Kashmir in 2001. The compromise entailed demilitarization on both sides of the border; agreeing to the status quo regarding the border between the two Kashmirs; self-governance on both sides without independence and a joint supervision mechanism in Kashmir involving India, Pakistan and the leaders of Kashmir (Singh Rana 2018). However, that compromise stalled at the last-minute and no successive government has picked it up since.

SAARC has been able to do very little when it comes to the resolution of the Kashmir dispute. As discussed, India is unwilling to let an international organization mediate over matters concerning Kashmir. If SAARC is allowed a role over Kashmir, then other multilateral bodies, such as the UN, would also have room for playing a role concerning Kashmir. Keeping that in mind, the Charter of SAARC was framed with a clear warning that ‘contentious issues are excluded from the deliberation of the Association.’<sup>1</sup>

Regional cooperation in South Asia remains a distant dream for a number of reasons. The region is home to relatively new states that have been created without regard for national identities and ethnic solidarities (Sharma, Oommen 2001). For example, the border between the Indian and Pakistani sides of the Punjab has divided two people from the same ethnic group into two. The states on both sides of the border know that cooperating to limit the border checks would mean greater linkages between the people, calling into question the *raison d’etre* of both states.

Whereas tensions between India and Pakistan have frozen SAARC’s ability to do much to resolve the Kashmir dispute, other nations in South Asia are also suspicious of India’s motives and designs. Kishore Dash argues that one would think that given India’s hegemonic presence, smaller states in the region would prefer a bandwagoning approach when it comes to dealing

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<sup>1</sup> See South Asian Association for Regional Cooperation website: <http://saarc-sec.org/about-saarc>

with India. In practice, that would mean 'seeking accommodation with the local hegemon in order to receive economic and military benefits' (Dash 2012: 117). Doing so would make SAARC a relatively effective organization for the other states, not including Pakistan. However, that has not happened either and only Bhutan and the Maldives have taken that route (Dash 2012: 117). Nepal, Sri Lanka and Bangladesh have refrained from adopting that course of action for fear of provoking domestic opposition and ethnic tensions. Domestically, elements from the military, bureaucracy, businesses and religious leaders fear India's dominance and the fact that India is capable of creating domestic turmoil in these countries without much effort.

China's rise is another factor forcing the region's states to reconsider their desire to reach too close an accommodation with India (Pant, Passi 2017). China is eyeing South Asia for its Belt and Road Initiative (BRI) and countries like Sri Lanka do not want to lose out on that front by appearing too close to India. As far as the future of geopolitical alliances are concerned, China would not like South Asia to be dominated by an Indian-led group of states. It is also a fact that the relatively poor living standards prevailing in South Asia mean that China making inroads into the Indian subcontinent seems inevitable.

South Asian states are also very fearful of ethnic unrest within their borders receiving support and sustenance from across these borders (Dash 2012: 121). If SAARC was more successful at encouraging further cross-border trade and population movement, this would also encourage different ethnic groups to seek support from their brethren in the neighbouring states. South Asian states typify Cooper's idea of 'modern states' that are unwilling to compromise on their sovereignty (Cooper 2002). Whereas some postmodern states might be looking to transcend borders and pool sovereignties, SAARC member states are moving in the opposite direction and want to consolidate their borders further in order to be fully autonomous in their affairs (Ganguly 2013).

Kalegama argue that SAARC has achieved very little due to disagreements between its nations over political and security matters (Kelegama 2002). These disagreements have proven to be intractable and have even led to the postponement of a number of SAARC meetings (such

as the SAARC summit planned for 2016, which was boycotted by India, Bangladesh, Afghanistan, Bhutan, Sri Lanka and the Maldives over Pakistan's sponsorship of terrorism in Kashmir).<sup>2</sup> Kalegama continues to argue that when the member states are faced with such a scenario, it is an economic route that perhaps has the greatest chance of fostering greater cooperation among them. The member states are discussing the possibility of 'bilateral free trade agreements and growth triangles' as a way forward to enable the countries of the region to benefit from economies of scale and lift the living standards of their people (Kelegama 2002).

Rao believes that when central governments prove to be uncooperative, civil society groups can play a role in opening dialogues among the SAARC nations. Such dialogues would involve people exchanging their views via social media and informal gatherings in order to send messages to their governments that they need to do more to keep pace with the demands of the day. It is not possible to keep people blocked off from one another in an age of modern technology designed to work without concern for borders and boundaries (Rao 2012). Bhalla believes that the Association of Southeast Asian Nations (ASEAN) could help SAARC learn more about cooperation (Bhalla 1999). According to this view, following the model of the European Union would be too far-fetched, if not impossible, for South Asian states. The best they could do would be to follow the example of ASEAN. ASEAN is over two decades older than SAARC and has been more successful than the latter on almost every front. However, the Southeast Asian nations decided after the Vietnam War not to allow their territories to be used for creating problems within their neighbours' borders. The SAARC states also need to reach such an understanding, but that seems unlikely given the states' mutual suspicion of one another. In such an environment of mutual distrust, any state unwilling to follow a policy of non-interference stands to lose out to any other state that is not willing to follow that route.

Jetly also looks to ASEAN for inspiration when suggesting how the conflict-resolution mechanisms within SAARC could be made more effective (Jetly 2003). He argues that any such attempt should first seek to understand the unique features of both regions and the unique

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<sup>2</sup> 'SAARC: Maldives joins India, 4 others in boycott; Pak's isolation complete,' *India Today*, 13 October 2016.

challenges each of these regions faces. SAARC has an interesting problem in that its foremost military power (India) is also seen by its neighbours as the biggest threat facing them. That is not the case with Indonesia (which is the foremost military power in Southeast Asia) (Jetly 2003: 72). The dispute between India and Pakistan is a festering sore between the two countries whereas no such problem exists between any two states in Southeast Asia. Finally, Southeast Asian residents have developed a distinct regional identity that helps ASEAN to function effectively. However, there is no equivalent South Asian identity in South Asia, which precludes potential cooperation between the states in the region.

To conclude, SAARC has not been very successful so far in building mechanisms for conflict resolution among its members. DisTerrMem provides an opportunity to research what SAARC and its members states could learn from other organizations in how to transcend power politics that dominate the region. Only then will it be able to assist its members, NGOs and civil societies to assist with the management of competing memories of disputed territories.