

**India-Pakistan Peace Process:
Cautious Optimism**

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The year 2004 is marked with a new thrust on improving India -Pakistan relations and it needs to be acknowledged that there is a visible improvement in the relations between the two countries at different levels. The announce-ments relating to confidence building measures, no doubt, would await further elaborate articulation and gradual implementation. However, there is an improvement in the overall environment and it seems that both the countries have moved away from the tense phase when armies from both the sides were placed in an eyeball to eyeball situation on their respective borders.

The series of meetings between the foreign ministers of the two countries followed by the secretary level meetings and consultations, opening the communication channels of the top brass of the armed forces of the two countries, the increasing frequency of civil society dialogue engaging experts, activists, academics and journalists from the two countries facilitated by some relaxation in otherwise a rigid visa regime has created an ambiance of addressing the contentious issues through peaceful means of dialogue and negotiations. The announcement of opening the road links in J&K and Rajasthan has further provided an impetus to this peace process. In this backdrop, it is encouraging to note that on the conclusion of India and Pakistan talks in Islamabad on nuclear and conventional confidence building measures (CBM's) which were aimed at reducing the risk of an accidental war and promoting strategic stability, the leader of the Pakistani delegation declared that South Asia was no longer a "nuclear flash point". It may be pointed out that the announcement signifies a major shift from Pakistan's earlier insistence that South Asia was a nuclear flash point. It is interesting to note that the nuclear CBM's were facilitated by the report of a Working Group consisting of Indian, Pakistani and US experts which had conducted a study of the value of nuclear risk reduction centers in India and Pakistan. In other words, these CBM's are the result of prodding of a third country. Be that as it is, the major concern of conventional CBM's has not been addressed during the recent meeting. According to media reports, there was no meeting point between the two countries due to the divergence of views on the nature of conventional CBM's. India had proposed nine military CBM's in June, 2004 with no response from Pakistan.

These CBM's included an agreement on peace and tranquility on the line of control, face to face meeting between Director Generals of Military Operations and interaction between the defense think tanks of the two sides. It may be pointed out that the recent US \$ 1.2 billion arms deal for Pakistan under 9/11 Recommendations Implementation Act passed by the US Congress holds the potential to adversely affect the peace process between India and Pakistan. This arms

deal is bound to create mistrust and impact some confidence built upon the goodwill gestures made during past one year. There is a history of mistrust between the two neighboring countries and it would need Herculean efforts to remove this mistrust.

The goodwill generated by Indus Waters Treaty, which was described as Treaty of Peace in 1960, was impaired in 1965 war. The spirit of Shimla Agreement was squandered in 1990 with the onset of a proxy war in J&K. The 1999 Lahore Declaration of Peace was sabotaged in the Kargil incursion of 2000. Therefore, the sudden increasing levels of acquiring arms by Pakistan is bound to create an uncertainty resulting in creating a security dilemma for India. This dilemma is not going to be resolved by taking a position on devising a 'strategic restraint regime' on the part of Pakistan. In the realm of International relations, at the root of security dilemma created due to increasing levels of military preparedness in the neighborhood lies mistrust and fear. Thus, the perception prevails that even when states do not have malafide intentions against another state or states, there is no guarantee that these intentions would not change. The perception is strengthened with the illustrations in which inter-state wars and conflicts have broken out inspite of the treaties and agreements between the states to resolve their disputes through peaceful means and methods. In order to address the issue of India's security dilemma and in view of achieving the objective of durable and lasting peace, Pakistan has to recognize that India's strategic doctrine is not Pakistan centric and its sweep is broader in view of its polity and geography. In fact, there can be areas of joint concern and hence a joint strategy between India and Pakistan to deal with such issues. For instance, the fight against terrorism could be the joint agenda of India and Pakistan. The recognition of these two facts hold a strong potential to strengthen the peace process initiated by India and Pakistan.

Pakistan has been insisting that Kashmir (J&K) should be accorded a priority in addressing the contentious issues which have beleaguered relations between India and Pakistan for the last fifty seven years. It needs to be recognized that there can not be a quick fix solution to a waxed issue like Kashmir.

Moreover, the maximalist positions on Kashmir are bound to create complications in the peace process initiated by India and Pakistan. The basic facts relating to Kashmir need to be comprehended and recognized. First, the state of J&K has acceded to the Union of India according to clearly defined legal and constitutional norms which governed the partition of sub-continent in 1947. The prominent leaders of the state participated in the deliberations of Constituent Assembly of India which accorded a 'Special Status' to J&K state, apart from incorporating it within the borders of the country defined under the Constitution.

This clause forms the basic structure of the Indian Constitution which according to numerous judgements of the Supreme Court of India remains beyond the pale of any amendment. Second, J&K state is multi-religious, multi-cultural and multi-linguistic and, in fact, represents the sub-continental diversity. In case a fresh approach is devised to address the issue, this diversity has to be recognized and accommodated. Recently, the visiting journalists from Pakistan and Pakistan Occupied Kashmir became very much conscious of this diversity when they visited Jammu and Kashmir. There is a consensus at the civil society level that the project of partitioning and truncating the political and geographical entities recognized under international law to carve out

new enclaves on the basis of religion is fraught with grave dangers of massacres, population transfers and generating new conflicts in the region.

This kind of project or proposal has worst implications for multi - cultural and multi-religious socio-political order of India. In this regard, several reports of UN Commission on Human Rights also reject the formulas of 'tearing apart' sovereign States, particularly the ones with a multi-cultural and multi-religious frame. Moreover, such an approach is fraught with the dangers of promoting jingoism and extremist fundamentalism leading to instabilities within the states and societies. This situation equally promotes the chances of conventional wars. Third, J&K state has not remained immune to the political processes like other parts of the country. New political formations along with the traditional political parties have come up with their respective political manifestoes. These parties and formations have participated in elections and have shared the governance of the state. The election processes might not have always been up to the mark.

However, this issue has been the subject of a heated political debate within the country. The independent political observers in the country and even officials from the foreign missions and NGO's have started monitoring elections in J&K on regular basis. Thus, the political parties in the state pursuing different ideologies have to be the partners in any discussion on Kashmir. It needs to be acknowledged that Pakistan's President, General Pervez Musharraf, speaking to a group of journalists from India, who were visiting Lahore under the auspices of South Asia Free Media Association, in November 2004, accepted that every section of J&K society including mainstream politicians should be included in a dialogue on Kashmir.

In view of the complexity of Kashmir issue, it is advisable to adopt a three pronged approach in addressing the issue. Firstly, a creative and an innovative thinking needs to be generated on Kashmir issue. This approach was underlined by the former Indian Prime Minister, Mr. Atal Behari Vajpayee. Secondly, it is too premature to articulate and propound formulas on the resolution of Kashmir. The experience reveals that such formulas create confusion and create complications even acrimony with a disastrous consequence of halting the peace process.

It may be suggested that in place of proposing formulas for the resolution of Kashmir, emphasis may be given to the processes which would ultimately lead to the resolution of the issue. In this behalf, the first step should be to encourage people-to people contacts in both the countries. There has been some progress in this direction but the initiative appears largely guided by the principle of reservations. The second major initiative would be the opening of historical routes which were closed after the first war in Kashmir was launched by Pakistan which divided the state into three parts in 1947-48. The opening of the routes would provide the people with the opportunities of greater understanding, apart from enlarging the avenues of economic cooperation. There seems to be an appreciation of this initiative and it appears to be under the active consideration of both the countries. However, there is a danger that this initiative may be delayed or even abandoned in case some attempt is made to score some diplomatic points through this very initiative.

The third initiative, which is on and off the radar of improving the relations for decades, pertains to increase in trade and commercial relations between the two countries. This initiative is again not taking off on expected lines despite some progress having been made over the years.

The new Indian position on Gas pipeline from Iran through Pakistan which would have provided Pakistan the \$80 million transit fees, royalty and cheap gas indicates the roadblocks to the peace process between India and Pakistan. The insistence of Pakistan to delink Gas Pipeline project from other trade and economic proposals including transit of goods from India has raised a perception that Pakistan was using Gas pipeline as a potential leverage against India.

Thus, India has conveyed to Iran to supply the gas against payment and deal with the Pakistan directly. This indeed is a set back to the peace initiatives and to the very design of devising a new framework of friendly relations between the two countries.

India has already embarked on a process which, if allowed to proceed without creating new road blocks, would ultimately lead to the resolution of most of the contentious issues with Pakistan. In this behalf, India has conceded the disputed nature of Kashmir— a long time demand of Pakistan. The withdrawal of armed forces from Kashmir valley has also started and there have been announcements that this process would continue. This is happening inspite of the presence of militants from foreign countries including Pakistan in large numbers targeting civilians as well as para- military forces in J&K.

There are reports that there have been attempts to infiltrate cutting through barbed fence on the border. The Chief of Lashkar-i-Toiba, Hafiz Sayed, has owned the attempt to attack the rally which was addressed by the Indian Prime Minister, Mr. Manmohan Singh in Srinagar in November. Be that as it is, the separatist political leaders of All Party Hurriyat Conference of Kashmir have been freely interacting with the officials of Pakistan embassy and visiting dignitaries from Pakistan in New Delhi. Recently, these separatist leaders were allowed to visit Nepal to attend a conference which was described as intra-Kashmir dialogue of people from both the Kashmirs. The visit of journalists to J&K from Pakistan including Pakistan Occupied Kashmir was facilitated this year which was reciprocated by the Pakistan later. These developments have certainly created an ambience and generated a new environment which has raised the hopes that India-Pakistan peace process would be sustained.

The experience of the past 57 years should guide both the countries in building peace. The wars, including the latest proxy war in J&K has not brought about the resolution of any contentious issue between the two countries. Kashmir problem should not come in the way of the resolution of other disputes. In fact, the resolution of other disputes, viz, Siachin, Sir Creek and Tulbul Navigation Project would open the way to address Kashmir. It is equally important to recognize that there is no cohesive voice within J&K to propose a resolution to the problem. The regional divide within the state aside, even the separatists grouping, Hurriyat Conference, a conglomerate of about two dozen groups remains divided ideologically. The recent vertical division in the conglomerate in which the former Jamaat-i-Islami Chief, breaking away from the conglomerate formed a new party which has added further confusion on the objectives of the separatists. This development equally indicates that there are no easy solutions to the problem.

In this backdrop, the easy travel arrangements between the people of both India and Pakistan in general and between the people living in two parts of Kashmir in particular should form the first step in the roadmap to peace. These interactions help in reducing the levels of political heat

of contentious issues. Moreover, these interactions make the people conscious about the dividends of peace and also shrinks the space for conflict entrepreneurs.

It may be pointed out that many an internal conflict in South Asia is rooted in the demands of expanding the space of federalism. In some cases these conflicts relate to the distribution of resources internally. The South Asian states need to move to address these problems internally. In India there is an urgency in moving beyond the Sarkaria Commission report. It is high time to appoint a fresh commission which would explore the ways and devise means and methods to accommodate the urges of greater federalism in the country. In fact, SAARC could also help in evolving a consensus on this issue which would put off the burning fires in many parts of South Asia.

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