



India-Pakistan: Coming to Terms

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INTRODUCTION

It took half a century for India and Pakistan to come to terms with the realization that they are neighbors for life—a fact that cannot be undone; that neighbors have problems that cannot be simply wished away or be forcefully settled; and that all problems will have to be settled through bilateral negotiations in tandem with discarding the linkage politics. Fifty years is not a long period for such a pathbreaking realization to set in, but considering that their history is merely sixty years old, it seems like an awfully long time. After Indian independence and the birth of Pakistan in 1947 it took precisely forty-nine years and nine months to establish the composite dialogue process (CDP) achieved in May 1997 in Male, Maldives, under the leadership of Indian Prime Minister Inder Kumar Gujral and his Pakistani counterpart Nawaz Sharif.

Many would argue that, with bilateralism pledged in the 1972 Simla Agreement as the basis of all subsequent Indo-Pak conflict-resolution initiatives, the realization of seeking mutually agreed solutions was established. But their conflicts and confrontations—in the 1970s and 1980s, and over terrorism in the 1990s, Siachen, and Kashmir—resonated with the enduring nature of their rivalry wherein, while constituting a range of military confidence-building measures (CBMs), both sides sought a unilateral resolution of their problems. This book argues that not until 1997 had it become amply clear to both sides that they were neither so strong that they could impose any unilateral solution on the other, nor so weak as to accede to the other's will without a fight.

While India raised concerns over Pakistan's involvement in Kashmir and in cross-border terrorist activities, Pakistan vehemently opposed Indian policy toward Kashmir. Progress on any of these issues became illusory owing to the cardinal question: Which issue drives which issue? India always has maintained that the "Problem in Kashmir," encompassing Pakistan's support of jihadi groups and activities, was the key stumbling block in bilateral relations. Pakistan, in turn, has argued that the "Problem of Kashmir" itself implied that it was an unfinished agenda of the partition and that it was India's

“forcible occupation” of Kashmir, in breach of United Nations resolutions, that motivated “Kashmiri freedom fighters” to fight against Indian security forces. This fundamental divide in perceptions over the basic cause of India-Pakistan conflict has for several decades continued to cast its shadow over peace initiatives.

Between 1984 and 1997 India and Pakistan negotiated over a range of issues, including Siachen, Sir Creek, and Tulbul/Wular disputes, but with only limited success. Negotiators met, discussed, and prepared draft agreements, but the final seal of approval from the leadership was lacking. Due to prolonged mutual mistrust, hatred, and antagonism neither India nor Pakistan was ready to take the plunge by altering stated positions, reaching a compromise, or conceding the other’s point of view. Guns continued to rattle the frontiers, security forces remained engaged in a battle of attrition, terrorism continued to claim thousands of innocent lives, and negotiators met periodically, but no constructive transformation took place in the enduring rivalry of the two countries. Finding a way out became crucial and an end to this madness had to be initiated.

In these hopeless atmospherics the realization dawned on India and Pakistan that they needed a complete overhaul of the dialogue process in order to establish a mechanism that treated all disputes and issues at par. India agreed to put Kashmir on the agenda of the CDP and Pakistan accepted the inclusion of terrorism in the bilateral dialogue. The formulated CDP consisted of eight baskets of issues, namely: J&K, Siachen, Sir Creek, Tulbul/Wular, terrorism and drug trafficking, conventional and nuclear CBMs, economic and commercial cooperation, and promotion of friendly exchanges in various fields. It is important to note that the CDP was as much about resolving territorial and resources disputes as about changing mutual perceptions. Just as Anwar Sadat, in his historic 1977 speech in the Israeli Knesset, spoke of the “psychological barrier” formed by years of mutual mistrust, misperception, and hatred—which in his view constituted 60 percent of the problem between Arabs and Israelis—the same holds true for India and Pakistan. The inclusion of economic and commercial cooperation in the agenda for talks, and the promotion of friendly exchanges in various fields, were primarily aimed at stimulating people-to-people contacts in order to create, in both countries, peace constituencies that in turn would help create a positive climate in which political initiatives would have a greater chance of success. By the same token the purpose of the CBMs is also meant to raise the level of trust between the two rivals

by bringing maximum transparency to the engagement and posturing of the armed forces. With the inclusion in this incendiary mix of the nuclear factor in 1998, the role of CBMs became absolutely critical to preventing military and nuclear accidents. The experience of Brasstacks in 1987 is a perfect case of how acts carried out with benign intentions can be construed as threatening by the adversary; the role of CBMs is to keep such misperceptions at bay.

Toward the close of the 1980s, tectonic political shifts in South Asia and in international politics in the wake of the fall of the Berlin Wall—symbolizing the end of Cold War—and the subsequent withdrawal of Soviet troops from Afghanistan, brought about a significant change in Pakistan's relationship with the United States. Pakistan was no longer an active player in the Cold-War politics of South Asia in the same manner it had been for more than forty years since becoming a member of the Central Treaty Organization (CENTO) and the South East Asian Treaty Organization (SEATO) in the 1950s. On one hand, the resultant plunge in American interest in Pakistan, and on the other the growing warmth in U.S. ties with India, triggered a paradigm shift in America's foreign policy, which added to Pakistan's insecurity, but also compelled it to explore ways to overcome this insecurity.

It is important to emphasize that Pakistan's policies on Kashmir and the nation's nuclear program have been under the firm control of its military and intelligence agencies, primarily the Inter-Services Intelligence (ISI). These agencies adopted an aggressive strategy in Kashmir following the bungling of the 1987 Jammu and Kashmir elections, and began training extremist groups and alienated youths of the Jammu Kashmir Liberation Front (JKLF) to pressure India into a dialogue on Kashmir. Meanwhile, the civilian leadership of Benazir Bhutto and Nawaz Sharif followed a policy of diplomatic engagement to address other pending disputes. This CDP was an amalgamation of both approaches. The addition of Kashmir to the agenda pleased General Headquarters (GHQ) in Rawalpindi but, at India's insistence, Pakistan's civilian leadership had to add terrorism to their agenda.

Furthermore, the ensuing rapprochement between India and China—through bolstering of their trade relations and a growing willingness to resolve their mutual differences by negotiations—pressed Pakistan to rethink its engagement with India. In sum, the stark reality on Pakistan's part of living with a much larger and more powerful neighbor, and India's non-reciprocal approach toward its neighbors

(underpinned by the “Gujral doctrine”) melded into a shared understanding that envisaged a stable and sustainable relationship. It is fair to argue that the Indo-Pak peace process is also driven by India’s strong yearning to break out from its South Asian preoccupations and play a greater role in international affairs. New Delhi’s renewed emphasis on forging stronger ties with Southeast Asia based on the “Look East Policy,” with Central Asia for institutional and energy cooperation, and with the Middle East in order to engage the wider Muslim world—along with growing thaws over the past decade with big powers such as the United States, Great Britain, France, and Russia—has contributed enormously to raising India’s stature in world politics. India’s rise in the last ten years as an economic and regional powerhouse, advanced by its military cooperation and civil-nuclear deal with the United States, triggered a soul-searching in Pakistan as to whether to press on with an irredentist attitude or to utilize India’s rise for its own economic and trade interests.

Pakistan’s key consideration was whether to continue with the stereotypical policy of making “India bleed through a thousand cuts,” expecting her eventually to succumb to such pressures, or to make peace with India on a give-and-take basis and carve out more space and resources to address Pakistan’s internal challenges, such as economic fragility, political instability, ethno-nationalism, sectarianism, and growing extremism. The withdrawal of thousands of Pakistani troops from the Indo-Pak border in both November 2007 and May 2009 to fight the Taliban in the tribal belt was testimony to the magnitude of the internal threat Pakistan confronts, and any conflict with India at such a critical time would put an enormous strain on economic resources and military capacity. By 2002, the consensus in Pakistani political, academic, and media circles with regard to the “Pakistan first” policy had begun to alter the old notion of “even eating grass” to seek parity with India. The new thinking asserted that it was in Pakistan’s interest to strengthen the peace process and focus national energies on all-round economic growth, development, and internal stability.

Following the October 1999 military coup and overthrow of the Nawaz Sharif regime, the peace process suffered a major blow, and India declined to engage with the military regime that assumed leadership. In that same year, under the shadow of nuclear development, the Kargil War had put optimum pressure on the already-fragile ties. After the September 11, 2001, attacks on the World Trade Center, Pakistan was dragged into an alliance with the United States in the

war on terror (WOT), and its western frontier with Afghanistan became rife with uncertainty. The following months saw a widespread surge in anti-Americanism in Pakistan, which left General Pervez Musharraf waging two battles simultaneously: one in support of the United States in Afghanistan, and the other to control the backlash of this alliance in his backyard. India was no longer the Pakistani military's preoccupation and, with a boiling western front, the last thing Pakistan could afford was a conflict with India.

Indo-Pak relations continued to suffer, however, as terrorism against India reached a zenith when, on December 13, 2001, Pakistan-based Jaish-e-Muhammad (JeM) attackers barged into the premises of the Indian Parliament. This attack brought Indo-Pak forces to the brink of their fifth war in fifty-four years. India cut all links with Pakistan, including diplomatic, and bilateral ties reached an all-time low. Eventually, pragmatism prevailed in India's corridors of power, the crisis fizzled out and, after a ten-month high-alert forward deployment, Indian troops withdrew without a single shot being fired. Military conflict was averted but not without reminding the leaderships on both fronts of the perils of nonengagement and of allowing relations to drift uncontrollably.

In October 2002 Pakistan held general elections that established "guided democracy" under General Musharraf, and the new government under Prime Minister Zafarullah Khan Jamali—acting upon its "Pakistan first" policy—showed willingness to mend ties with India. To complement this policy change in Pakistan, despite the continuing terrorist attacks against India, Atal Behari Vajpayee renewed the offer of peace in 2003, and in 2004 the CDP resumed the resurrection of formerly plummeting relations. Also in 2004, the United Progressive Alliance (UPA), led by the Congress party, came to power toppling National Democratic Alliance (NDA), led by the Bharatiya Janta Party (BJP), but the change in government did not affect India's support of the peace process. Between 2004 and 2008 India and Pakistan held four rounds of talks with various successes but fell short of resolving any of the pending disputes. In 2006, on the heels of the July terrorist-led bomb blasts on a commuter train in Mumbai, the peace process was suspended. It soon resumed after a meeting between Prime Minister Manmohan Singh and General Pervez Musharraf in Havana, Cuba, where the two sides agreed to establish a "joint anti-terrorism mechanism." Between 1988 and November 19, 2008, terrorism caused 42,227 deaths, including 14,504 civilians, 5,835 security personnel, and 21,910 terrorists.¹

In 2008, after a two-year run, the peace process was yet again called off by India in reaction to the November 26–29 terrorist attacks in Mumbai, and ever since has remained suspended [until the time of the writing of this book in July 2009]. Currently, while Pakistan engages in a serious battle against the resurgent Taliban and spiraling extremism on its soil since the Lal Masjid (Red Mosque) Crackdown in July 2007, bilateral relations with India have become a secondary concern. Justifiably, as long as Pakistan remains preoccupied with its own internal challenges and its political stability remains seriously imperiled, peace talks with India will have little chance of a breakthrough. The meetings between the leaders in neutral venues—on the sidelines of the Shanghai Cooperation Organization (SCO) summit in Yekaterinburg, Russia, and the Non-aligned Movement (NAM) summit in Sharm-el-Sheikh, Egypt—are welcome engagements in the absence of CDP, but expecting any substantial outcomes from them would be naïve. At present, for India to resume an official dialogue there must be a resolution of the deadlock that remains over Pakistan taking meaningful steps toward prosecuting the accused (primarily, Hafiz Muhammad Saeed, leader of Lashkar-e-Toiba), in the 2008 Mumbai attacks. Again, the linkage factor in the peace process, be it terrorism or Kashmir, hampers progress in peace talks, which ironically defeats the CDP’s purpose of addressing all issues simultaneously.

This security and diplomacy quagmire provides the underlying motivation for this book to explore how peace is possible in hostile settings. It is believed that an answer to this question would shed light on the experiences of states in other such conflict dyads in the international system. Research in peace studies and conflict resolution suggests there are ways of negotiating solutions to the overall quarrel between pairs of states, and to specific disputes, if not to all. Encouragingly, there are instances in the international system of dyads (among others, the United States-China, the United States-Soviet Union/Russia, the Soviet Union/Russia-China, Argentina-Brazil, Israel-Egypt, and Israel-Syria), caught in a pattern of enduring conflict and rivalry, which have been desirous of peace and have been able to find answers to their specific bilateral disputes. The underlying premise in resolving such dyadic conflict is that if the major bilateral disputes are solved, the larger quarrels may in time be eliminated.

The relationship between India and Pakistan has been the focal point of many interesting studies in the field of international

relations, and while most of these studies have focused on the discord and conflict between the two countries, there have been periods of cooperation that have not been given enough attention. In the general atmosphere of suspicion, rivalry, and distrust after 1947, new and unforeseen problems have arisen and become additional symbols of seemingly unending conflict between India and Pakistan. The failings, frustrations, and faults of one country made important news in the other, and the gulf that emerged in 1947 has further widened. Other factors, however, have tended to bring them closer, or at least prevented them from escalating the conflict. Behind the present-day rivalry is a recognition of common bonds in terms of culture, economic interdependence, and above all the desire to avoid a head-on clash under the shadow of nuclear weapons. Thus, their relationship has been contradictory: The search for solutions to old disputes is matched by the rise of new issues, sometimes pushing them apart and at other times bringing them into proximity.

This study of India-Pakistan negotiations under the rubric of enduring rivalry argues that, in spite of the conflictive past and possible future confrontations, negotiated solutions are possible. It is a normative but also theoretical point of importance. This book covers territorial and resources issues, including the Indus Waters, Rann of Kutch, Siachen, Sir Creek, and Tulbul/Wular disputes that form the core of territorial integrity and national identity. These are the most difficult cases to negotiate and if it can be shown that cooperation is nevertheless possible, then the India-Pakistan dyad will appear to be more cordial in nature than generally perceived. The five disputes mentioned above are analyzed with the use of the four major components of negotiation—ripeness of the dispute, prenegotiation, negotiation, and agreement—and by estimating the extent to which these elements or stages of negotiation are present in successful cases and absent in unsuccessful ones. From such a study it is also possible to understand how relevant these characteristics of negotiation are in the management and resolution of enduring rivalries. This book seeks to draw germane lessons and recommendations relevant not only to ongoing and future negotiations between India and Pakistan, but also to other dyadic rivalries in the international system.

What constitutes ripeness of a dispute? Is it something natural that occurs in the course of time, or is it induced through bilateral efforts? What are the dangers of launching initiatives in unripe situations? How important was/is the issue of ripeness in the five disputes? What is the significance of the prenegotiation stage in the

process and what does it entail? What constitutes negotiation and how is it different from prenegotiation, if any distinction exists at all? What are the key ingredients of negotiation and what roles do they play in determining the eventual outcome of the process? What are the compulsions and concerns before signing the final agreement, and what are the salient challenges in the post-agreement phase? What makes a good agreement?

This book is woven around these central queries in analyzing the five disputes. The first chapter provides a conceptual understanding of “enduring rivalry” and of the negotiation process, illuminating their key characteristics. The second chapter presents an account of the CDP, or the peace process established in 1997, that has enabled the two sides to discuss their outstanding disputes on an equal footing. The third chapter covers the Indus Waters dispute and traverses the history of the dispute and negotiations in locating the factors (including the role of the third party) that brought about its successful conclusion in 1960. The fourth chapter encapsulates the Indo-Pak dispute concerning the Rann of Kutch and analyzes the ceasefire agreement of 1965 and the Tribunal Award of 1968 that finally settled this territorial dispute. This chapter studies the history of the dispute, the course of negotiation, and the role of external players in bringing this conflict to an end. The fifth chapter focuses on the ongoing dispute over the Siachen glacier, locating the drivers of the conflict, tracing the history of negotiated initiatives thus far, and putting forth the prospects for its resolution. The sixth chapter deals with the Indo-Pak dispute over Sir Creek that has turned out to be a territorial-cum-resources dispute. A comparatively less-luminous chapter than the previous ones, it nonetheless presents a succinct analysis of the history of the dispute, the progress in negotiations, and the likelihood of its resolution in the near future. The seventh chapter is on the Tulbul Navigation Project/Wular Barrage and Storage Project in Jammu and Kashmir, examining the core elements of the dispute between India and Pakistan, the manner in which both sides have negotiated it so far, and the prospects of its settlement. While the Sir Creek dispute is linked to the Rann of Kutch dispute, the Tulbul/Wular dispute is associated with the Indus Water Treaty of 1960. From the analysis of these five disputes, the final chapter draws relevant lessons that can potentially facilitate ongoing negotiations and positively influence the future course of the India-Pakistan dyad.