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3

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Strengthening Democracy & Democratic Institutions in Pakistan



Pakistan India Relations

The Conflicted Relationship

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and Transparency

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FOREWORD

Pakistan-India Relations: the Conflicted Relationship, as the topic of PILDAT's Briefing Paper No. 3 for Parliamentarians has been chosen so as to provide in-depth, historical and inclusive commentary on an issue that is the crucial cornerstone of Pakistan's security, economy, polity and development. While the subject holds widespread and deep-rooted sentiments, the objective of this paper is to present the issue in an objective and factual manner, covering accurate history, potential opportunities, challenges and threats posed by the issue. Such a perspective, PILDAT feels, is especially crucial for parliamentarians who are mandated by the people of Pakistan to set policy guidelines for the state.

The Briefing Paper also aims to aid Parliamentarians, both Senators and MNAs, for a meaningful debate on Pak-India relations in the Parliament and to assist them in their initiative in addressing one of the most crucial issues facing the country during the past 56 years. The briefing paper sets the issue in a broad perspective of emerging international scenario and brings examples from international relations where complex and highly contentious issues between states have been successfully resolved.

PILDAT is grateful to Senator Mushahid Hussain, Renowned Foreign Policy Analyst and Journalist, for preparing the draft of the Briefing Paper. The paper, however, has been prepared from an independent and objective standpoint and his party affiliations and party's position is not reflected in it. PILDAT, as an institution, does not take any position on the possible options for the resolution of the Pak-India Relations, outlined in the paper, and these have only been presented to capture available perspectives on the resolution of conflict for the benefit of parliamentarians.

As always, we look forward to the feedback of our readers: parliamentarians of Pakistan whose association and support is essential in realising our dream of strengthened parliamentary democracy in Pakistan.

Lahore
June 2003

from nuclear weapons to Islam and foreign policy. After October 12, 1999, Mushahid Hussain was held without any charges as a political prisoner for four-hundred and forty (440) days, including a period in solitary imprisonment. The world's leading human rights organization, Amnesty International, declared him a 'Prisoner of Conscience' making him the first such Pakistani to be so honoured for the year 2000.

PROFILE OF THE AUTHOR

Mushahid Hussain has a Master's degree from the School of Foreign Service in Georgetown University at Washington. While studying in the US, he was President of the Pakistan Students Association and was awarded a Congressional Internship to work in the United States Congress. In Pakistan, he studied at the F.C. College in Lahore, from where he received a BA.



Mushahid Hussain is currently a Senator and syndicated columnist based in Islamabad. He has been a Cabinet Minister, journalist, university teacher and political analyst. As Information Minister from 1997 to 1999, Mushahid Hussain was the country's principal spokesman and appeared frequently on international television and radio channels to present Pakistan's position on issues ranging

After completion of studies in the United States, he returned to Pakistan and became Member, Directing Staff of the country's prestigious training institution for civil servants, the Pakistan Administrative Staff College. He then joined Pakistan's oldest seat of learning, the Punjab University, as Lecturer on International Relations in the Political Science Department, from where he, along with three (3) other teachers was removed on political grounds during Martial Law.

In 1982, at age 29, he became the youngest Editor of national English daily, The Muslim, published from the capital Islamabad, which was respected for its independent positions by being a proponent for democracy during military rule.

As a specialist on international political and strategic issues, he has lectured widely and his articles have been published in various national and international publications including The New York Times, The Washington Post, International Herald Tribune, and Middle East International. He has authored three (3) books.

HISTORICAL CONTEXT

After successfully leading the freedom struggle for a separate state for the Muslims of the subcontinent, culminating in Pakistan, the Quaid-e-Azam Muhammed Ali Jinnah was asked by an American journalist in March 1948 that what sort of relations did he envisage between India and Pakistan now that they were both independent. The founder of Pakistan elucidated his vision of good neighbourliness similar to that of North America's friendly neighbours the United States and Canada. In other words, both respecting each other's sovereign equality and territorial integrity irrespective of size and strength.

Contrary to the Quaid's noble vision, the path of Pakistan-India relations is littered with the debris of a painful past. A half a century of wars, recurring crises, broken pledges and false hopes that quickly turned into non-starters are etched in the minds of the billion plus inhabitants as they aspire for a better tomorrow at the beginning of the 21st century.

Instead of good neighbourly cooperation, it has been confrontation marked by zigs and zags and rather predictable, if not puerile, tit-for-tat approach. A brief survey of the two countries' track record will bear this out:

- 3 wars (1948, 1965 and 1971)
- 2 mini-wars (1965 Rann of Kutch & 1999 Kargil)
- 2 near-wars (January and June, 2002)

The dispute of Jammu and Kashmir is as old as the two states themselves, whose armies face each other across the world's oldest cease-fire line (since 1971, the Line of Control). In the process, new disputes have arisen such as Siachen, after India surreptitiously occupied the Glacier in 1984, and the sanctity of old agreements is being openly violated, as is the case with the Liaquat-Nehru Pact or the Indus Waters Treaty.

ARMS RACE

In 1988, India introduced missiles into an already volatile arms race by testing the Pakistan-specific 'Prithvi.' Pakistan followed suit in 1989 with test firing of the 'Hatf,' and after having injected the nuclear factor into South Asia with its 'peaceful nuclear explosion' in 1974, India tested its nuclear weapons in May 1998. Pakistan, again, had no choice but to give a matching response. No wonder then that President Clinton called South Asia as 'the most dangerous place in

the world.'

RELIGIOUS AND CULTURAL BAGGAGE

The chequered relationship between Pakistan and India is hostage to a number of factors rooted in history, political interests and the geopolitical environment. Both countries are hostages to a history that has shaped their identity, image and interests. The violent 'parting of the ways' in 1947 with a million dead and 10 million displaced from their homes resulted in the biggest population swap in history. It is, therefore, no accident that after presiding over the Third World's maiden successful secessionist struggle in East Pakistan, India's Prime Minister Indira Gandhi triumphantly crowed: 'We have avenged 1000 years of history.' On December 18, 1971, when she made these remarks to the Congress Parliamentary Party, Pakistan was only 24 years old. Her reference was to India's history of being subjugated to the Muslim minority's overlordship for nearly 1000 years, a fact resented by India's overwhelmingly Hindu majority.

DOMESTIC POLITICS

Similarly, India's current Hindu fundamentalist ruling party, the Bharatiya Janta Party (BJP), has based its policy on the twin planks of promoting Hindu mythology and Pakistan and Muslim bashing: on the one hand it has advocated building the mythical *Ram Temple* in Ayodhya over the wreckage of the demolished *Babri Mosque* named after the founder of the Mughal Empire, Muhammed Zaheeruddin Babar; and on the other hand it has adopted a policy of Muslim-bashing and Pakistan-bashing that win votes as demonstrated in the Gujrat state polls in December 2002: the same province where over 2000 Muslims were massacred with state-sanctioned violence in February 2002.

Although domestic politics plays in both countries, ironically, hawkish constituencies are more ascendant in India but considerably diluted in Pakistan, where, for instance, not since 1970 or 1988 has a party tried to win votes in a general election on the basis of an anti-India platform. In fact, if the past polls are any guide, anti-Americanism has replaced anti-Indianism as a bigger vote getter in the Pakistani electorate. In fact, in an April 1, 2003, address to the Foreign Office in Islamabad, MMA leader Qazi Hussain Ahmed advocated 'dialogue and normalisation with India to counter the American threat.' And for a military ruler, General Pervez Musharraf has

demonstrated flexibility in his dealings with India, avoiding any mention of UN resolutions on Kashmir and publicly stating that 'we need to go beyond our stated positions on Kashmir to reach a solution'. This prompted the Kashmiri freedom fighter, Mir Waiz Omar Farooq, to remark after meeting the Pakistan President at the Islamic Summit in Qatar in October 2000 that 'no other Pakistani leader that I have met has demonstrated such flexibility over Kashmir as has General Musharraf.'

INTERNATIONAL ENVIRONMENT

Both India and Pakistan are also hostage to the international environment, which has determined both their choice of friends and the extent of external interest and involvement in their region. During the Cold War, Pakistan and India had a negative interest in each other by opposing what the other supported and vice versa. Their divergent visions in foreign policy put them in opposite camps Pakistan aligning itself in the American camp while ostensibly non-aligned India was actually a camp follower of the Soviet Union. Initially, Pakistan's friendship with China was also based on the age-old maxim that the 'enemy of my enemy is my friend', since it emerged after the Sino-Indian military conflict of 1962.

Ironically, today both adversarial neighbours are vying for American attention and favours, with India edging ahead of Pakistan since it is a huge investor's market and its size plus geographical proximity to China make it America's favoured candidate to counter Asia's economic, political and military giant.

BETRAYALS AND BROKEN PROMISES

If history has coloured the texture of the relationship among South Asia's nuclear neighbours, the animosity has endured also because of a series of betrayals and broken promises that only confirm in the minds of most Pakistanis the 'enemy image' of India.

Pakistan has never forgiven India's first Prime Minister. Jawaharlal Nehru, for renegeing on his solemn commitment to hold a plebiscite in Jammu and Kashmir which would have given eighty (80) per cent Muslim population of Kashmir the choice to decide whether they wished to remain with India or opt for Pakistan. This was stipulated in the UN Security Council resolutions, which India, like Pakistan, accepted but later unilaterally rejected. Ironically, it was India that took the Kashmir dispute to the United

FACT SHEET

1949 Ceasefire in Kashmir with UN Military Observer Group India & Pakistan (UNMOGIP) formed while United Nations resolution calls for a plebiscite to determine the wishes of the Kashmiri people

1950 Liaquat-Nehru Pact seeks protection of minorities in both states (Muslims in India and Hindus in Pakistan)

1959 Field Marshal Ayub Khan offers 'joint defence from the threat from the north' to India, which Prime Minister Nehru rejects with the retort: 'threat against whom?'

1960 Pakistan and India sign the Indus Waters Treaty under World Bank auspices for sharing of river waters

1962-63 In the backdrop of the Sino-Indian border conflict, Anglo-American mediation encourages a Pakistan-India dialogue over Kashmir with six (6) inconclusive rounds between Foreign Ministers Zulfikar Ali Bhutto and Sardar Swaran Singh

1964 Released after 11 years in detention, Kashmiri leader Sheikh Abdullah visits Pakistan with some sort of 'peace plan' but his mission is abruptly terminated with news of Prime Minister Nehru's death

1965 India and Pakistan fight a seventeen (17) day War, which is inconclusive

1966 Under Moscow's mediation backed by Washington, Pakistan President Ayub Khan and Indian Prime Minister Lal Bahadur Shastri hold a Summit in Tashkent, and Prime Minister Shastri dies of heart attack hours after signing Tashkent Declaration

continued.....

Nations on December 31, 1947.

Prime Minister Nehru used Pakistan's membership of US-sponsored military pacts like SEATO and CENTO as yet another pretext to wriggle out of his commitment to fulfil UN resolutions for a plebiscite in Jammu and Kashmir. He said in March 1956, alluding to the Cold War and Pakistan's joining these pacts and having bilateral security treaty with the United States that, 'during the last eight (8) years, a number of important developments had taken place' thereby resulting in India's resiling from its commitment, although the linkage between the two events is inexplicable, given that later in October 1962, Nehru himself sought and received US military aid against China.

Prime Minister Nehru laid the basis of backtracking on his Kashmir commitment earlier on in December 1953 in a letter to Prime Minister Muhammed Ali Bogra. Prime Minister Nehru wrote that the 'expansion of Pakistan's war resources, with the help of the United States, can only be looked upon as an unfriendly act in India and inevitably, it will affect the major questions that we are considering and, more especially, the Kashmir issue.'

The other argument made by India against not to implement UN resolutions on Kashmir was to put the onus on Pakistan by blaming it for not withdrawing its army from Jammu and Kashmir as envisaged in the UN resolution. Withdrawal of the Pakistan Army and the 'bulk of the Indian Army' from the two areas of Jammu and Kashmir currently controlled by them was a precondition for the plebiscite.

Reneging from the plebiscite, the Indians have used another argument of successive elections in Occupied Kashmir to justify that since the 'wishes of the Kashmiri people have been ascertained', the plebiscite is redundant, although Indian Home Minister Mufti Sayeed confessed in 1989 that 'all elections in Kashmir were rigged.'

Despite this betrayal, during India's war with China in 1962, Pakistan behaved like a decent neighbour, not exploiting India's difficulties with China to pressure it on Kashmir. Conversely, when Pakistan faced a crisis largely of its own creation in East Pakistan in 1971, India saw it, as a prominent strategist put it, 'the opportunity of a lifetime'. India aggravated and inflamed the crisis, rather than dousing the fires in its neighbourhood.

FACT SHEET

1968 Agartala Conspiracy Case is instituted against East Pakistan opposition leader Sheikh Mujibur Rahman by President Ayub Khan on allegations that he conspired with India for the secession of East Pakistan

1971 An Indian Airlines plane, 'Ganga', is hijacked by two (2) Kashmiri youth to Lahore, after which India accuses Pakistan of complicity and bans Pakistani over flights over its territory, effectively cutting off air links between East and West Pakistan

1971 Alarmed by Pakistan serving as a bridge between China and the United States, India and the Soviet Union sign a defence treaty

1971 Indian invasion of East Pakistan results in Pakistani retaliation on the western front resulting in third war between the two (2) countries which ends after fourteen (14) days with surrender by Pakistan forces and creation of Bangladesh; Indian Prime Minister Indira Gandhi triumphantly declares 'We have taken revenge after 1000 years'

1972 Prime Ministers of the two (2) countries Bhutto and Gandhi meet at Simla to sign a peace agreement following the 1971 War

1974 India goes nuclear with a 'peaceful nuclear explosion' and Pakistan responds by covertly starting its own programme to build nuclear weapons

1975 Prime Minister Zulfikar Ali Bhutto calls for a countrywide strike against Mrs Gandhi's agreement with Sheikh Abdullah in Occupied Kashmir whereby he assumes office of that disputed state as the Chief Minister

continued.....

MILITARY SOLUTIONS

In between 1962 and 1971, Pakistan tried to force a military solution to the long festering Kashmir dispute, sparking the 1965 War, which remained inconclusive after seventeen (17) days of intense fighting. It was in the summer of 1965 that Pakistan launched a covert force of regular and irregular trained personnel dubbed the 'Gibraltar Force', comprising some 5000 men, who crossed the ceasefire line in Kashmir to foment an uprising in the occupied areas.

India responded with an attack across the international boundary at Lahore. The September War showed that Kashmir could again ignite a conflict between the two countries, and it remained the principal impediment to a friction-free relationship.

HISTORY OF TALKS

Earlier, during the 1962 Sino-Indian War, Anglo-American mediation pushed Pakistan to neutrality and prodded India to start talking to Pakistan for a political solution on Kashmir. Six (6) rounds of unproductive talks were held between Foreign Ministers Zulfikar Ali Bhutto and Sardar Swaran Singh, but it was clear that India was merely biding its time with Pakistan to keep China at bay.

This was the first of many efforts at promoting peace between Pakistan and India, which went awry. The other major ones were the Tashkent Declaration, signed under auspices of the Soviet Union with American backing, in January 1966 following the 1965 War. The day the Declaration was signed, Indian Prime Minister Lal Bahadur Shastri died of heart attack at Tashkent. And soon after President Ayub Khan returned to Pakistan, he had to face violent student protests for a 'sell out on Kashmir.'

After the 1971 War, India felt that its regional clout would finally reflect its size, since Mrs Gandhi, with the Soviet Union assisting as a ruthless surgeon, had midwived the creation of Bangladesh. And it saw the Simla Accord as bilateralising the Kashmir dispute, although Pakistan managed to preserve its position on Kashmir despite the uneven context of the agreement since Pakistan had lost not only war but also half of its population. However, since Simla was signed in July 1972, soon after Pakistan's military defeat in East Pakistan, it was less a roadmap towards normalisation of relations and more a treaty to formalise the new status quo after the 1971 War. The

FACT SHEET

1976 'Samjhota Express' train service between Lahore and Amritsar begins

1978 Foreign Minister Atal Behari Vajpayee visits Pakistan and India under Prime Minister Morarji Desai. India is the only major country not to protest the hanging of Zulfikar Ali Bhutto

1981 Foreign Minister Narasimha Rao visits Pakistan and Pakistan offers no war pact to India, which India spurns by saying that Simla Agreement is 'already a no war pact'

1982 Pakistan and India establish a Joint Commission to strengthen bilateral relations

1983 Prime Minister Indira Gandhi publicly supports opposition MRD agitation against General Zia-ul-Haq's military regime

1984 Kashmiri group, Jammu and Kashmir Liberation Front (JKLF) leader, Maqbool Butt, is hanged in prison for alleged involvement in 'terrorism'

1984 The first Track II conference between prominent non-officials media, academia and retired government officials of Pakistan and India is held in Islamabad under auspices of Islamabad's 'The Muslim' daily

1984 Indian Army secretly occupies Siachen Glacier, which was no man's land in Kashmir, thereby creating a new issue in Pakistan-India relations

1985 President Zia-ul-Haq and Prime Minister Rajiv Gandhi sign an agreement not to attack each other's nuclear installations; South Asian Association for Regional Cooperation (SAARC) formed

continued.....

Ceasefire Line in Jammu and Kashmir became the Line of Control, while the dispute remained intact, with no give on either side.

After Simla in 1972 and till 1989, Pakistan had virtually forgotten Kashmir, which was mentioned in a perfunctory manner and kept on the back burner both in terms of policy and propaganda. In 1989, it was the restive and oppressed Kashmiris who took up arms against the Indian occupation, forcing the world to take notice of their plight. The indigenous, popular, spontaneous and widespread uprising of the Kashmiris brought Kashmir to the front burner as the 'core' question in Pakistan-India relations.

MYTHS OF RESOLUTIONS OF KASHMIR ISSUE

Although a resolution of Kashmir remains elusive, several myths have certainly been shattered on the rocky road to a failed settlement. Till 1971, it was assumed that problems between Pakistan and India could better be sorted out by the 'old generation', who shared memories of living and working together in pre-Partition India. Their shared past, it was believed, could propel a common vision for the future. But that reliance on sentimentality did not work, as the first quarter century of post-Independence testifies.

Then grew another myth. If the 'old generation' failed, the 'new generation' born after 1947 would be able to fashion a new relationship since they were perceived to have a 'modern' mindset. Enter Prime Minister Benazir Bhutto and Prime Minister Rajiv Gandhi. Although free of the scars of Partition and perhaps even having a vision for the vision, the two scions of the signers of Simla failed to muster up the political will for a breakthrough even on Siachen, let alone Kashmir.

After that flawed experience, yet another myth emerged. This time, that the two 'Punjabi' Prime Ministers Muhammed Nawaz Sharif and Inder Kumar Gujral would deliver, as if the bond of belonging to the 'land of five rivers' would be stronger than the rivers of blood that flowed in 1947 or continue to flow in Occupied Kashmir. Finally, after the military coup of October 1999 and the re-election at the same time of the BJP, raised a new kind of pragmatic optimism that the guardians of both the countries establishment and their perceived core ideological values would be conducive to moving forward, something akin to a conservative Richard Nixon doing a deal with the

FACT SHEET

1987 India holds biggest ever war manoeuvres, Exercise Brasstacks, close to Pakistan border

1989 Prime Minister Rajiv Gandhi resiles from his promise to Prime Minister Benazir Bhutto to sign an accord on Siachen citing reasons of domestic electoral politics given upcoming polls

1989 Insurgency begins in Occupied Kashmir; Indian Home Minister Mufti Mohammed Sayeed admits 'all elections, barring 1989, rigged in Occupied Kashmir'

1990 Crisis in Pakistan-India relations averted after President Bush sends his Special Envoy, Robert Gates, to mediate between India and Pakistan

1992 Hotline between the two Armies established via their respective Director General Military Operations (DGMO)

1993 All Parties Hurriyat Conference (APHC), umbrella group of liberation groups inside Occupied Kashmir, established

1997 Foreign Secretaries of India and Pakistan agree on a 'composite dialogue' to run concurrently on eight (8) issues including Kashmir

1998 India goes nuclear, followed by Pakistan

1998 President Clinton calls South Asia 'as the most dangerous place in the world'

1999 Prime Minister Vajpayee goes to Lahore in the inaugural bus service between New Delhi and Lahore; he visits Minar-e-Pakistan and signs Lahore Declaration with Prime Minister Nawaz Sharif

continued.....

Communists in China and the Soviet Union. But Agra showed that Pakistan-India relations could not be altered simply by one Summit, since these have to be part of a process, an arduous and long-drawn one, rather than one event, however big it may be in symbolism.

APRIL 2003 ENDEAVOUR

The April 18, 2003 initiative by the Prime Minister Vajpayee and its prompt reciprocity by Prime Minister Jamali, have come in a new regional context where the international community is keen to defuse regional tensions and crises, be they in the Korean peninsula, the South Asian subcontinent or the Middle East. The stakes are infinitely higher now given the crises of 2002, which almost brought India and Pakistan to the brink of war. The events of 2002 are, in fact, a key motivation for countries like the United States to push both Pakistan and India to get a dialogue going, since the absence of war and crises is seen as a plus for peace. How those crises were defused are pointers to the present diffusion of tensions as well.

Soon after the December 13, 2001 terror attack on the Indian parliament, India blamed two (2) Pakistan-based guerrilla outfits fighting in Occupied Kashmir, seeking their banning, mobilising its forces and threatening war with Pakistan. The US, worried that a war on Pakistan's eastern front would detract from the anti-terror war on the western front, and promptly pushed Pakistan to 'do more to stamp out terrorism.' Here the Americans adopted the same strategy that they have deployed in the Palestinian-Israeli conflict:

Showing sympathy for India (Israel) by condemning terrorism, demanding President Gen. Pervez Musharraf (Arafat) to 'do more and take concrete steps' and urging India (Israel) not to use force, which would aggravate the situation.

President Musharraf, addressing the nation on January 12, 2002, banned the two (2) outfits cited by India for alleged acts of terrorism, namely *Lashkar-e-Taiba* and *Jaish-e-Muammed*, arrested their leaders and activists, and declared that 'Pakistan would not allow its territory to be used for violence in Kashmir.' Even the hawkish Indian Home Minister, L.K. Advani termed the Musharraf speech as 'path-breaking'. With the crisis defused, the threat of an imminent war was averted, although India maintained its

FACT SHEET

1999 Both Prime Ministers nominate their respective envoys for secret, back channel contacts: Pakistan's Niaz Naik and India's R.K. Mishra

1999 Kargil Conflict results in Washington Declaration and withdrawal of 'Mujahideen' from the Kargil Heights

2001 General Musharraf goes to Agra on Prime Minister Vajpayee's invitation but summit fails to bring a breakthrough

2001 India mobilises a million men following a terror attack on its parliament, blaming Pakistan without proof

2002 President Musharraf bans *Lashkar-e-Taiba* and *Jaish-e-Muammed*

2002 US diplomatic intervention defuses crisis and averts war

2002 India withdraws troops to peacetime locations following elections in Occupied Kashmir

2002 Hawkish Deputy Prime Minister L.K. Advani says 'Let us fight it out, face to face, We have fought three (3) wars, let there be a fourth war'

2002 SAARC Summit & SAF Games postponed due to Indian non-participation

2003 Prime Minister Vajpayee rules out war with Pakistan

2003 Vajpayee extends 'hand of friendship' to Pakistan, followed by a number of normalisation measures, to which Pakistan responds positively.

mobilisation of almost a million troops on Pakistan's border.

The second crisis came on May 14, 2002, when an attack on a military camp in Jammu killed thirty-two (32) persons including soldiers and their families. An enraged India again threatened war blaming Pakistan without evidence as it had done in December 2001. Prime Minister Vajpayee declared on May 23, 2002 that the Indian Army was ready for a 'decisive victory' over Pakistan, and President Musharraf retorted in kind to a national address on May 27, 2002 that 'Pakistan is ready for war if imposed by India and we will respond to any aggression with our full might'. His speech came two days after Pakistan tested its India-specific missiles, in a signal to the adversary that Pakistan was capable of military retaliation.

It was only on May 31, 2002 that the US, followed by the UK, Canada, Australia, Japan and Germany, asked its 60,000 citizens to leave India, a move with the potential to cripple the Indian IT industry, that New Delhi had to back off with the Bombay stock exchange falling to its lowest closing in 2002.

On June 5, 2002 President Bush personally called President Musharraf to give a commitment to pressure India for a dialogue and push for a peaceful Kashmir settlement. And the next day, visiting US Deputy Secretary of State Richard Armitage extracted a promise from the Pakistani President to 'permanently end cross-border infiltration' across the Line of Control, which defused that crisis.

Later, the two sides offered their contrasting versions as to how war was averted. Prime Minister Vajpayee said on June 14, 2002 that 'if Pakistan had not accepted the demand to stop cross-border infiltration and the United States had not conveyed to us Pakistan's guarantees to do so, then nothing could have stopped war.' Conversely, President Musharraf told a gathering of scientists in Islamabad on June 19, 2002 that 'we were compelled to show them in May 1998 (matching India's nuclear tests) that we were not bluffing, and in May 2002 again we were compelled to show that we do not bluff (the missile tests).'

Actually, both were right. Indian goals in the crisis were to use coercive diplomacy a threat of war to push the Americans to pressure Pakistan to induce a change in the policy over Kashmir, away from militancy. Pakistan's goals,

reacting to India, was to present Kashmir as an international flashpoint, that the costs of a conflict would be high for any aggressor, and getting the Americans to push the Indians to back off from any military adventurism.

LESSONS LEARNT

What lessons have been learnt by the two sides and what does this mean for the future?

For the first time, both India and Pakistan have accepted a proactive American role in their bilateral relations, since the US engagement is with the concurrence of both parties. They have demonstrated their receptivity to American pressure, both in 2002 and 2003, since neither of them is ready, willing or able to take each other on militarily.

Both understand that the 'balance of terror', their possession of nuclear weapons, altered the strategic landscape of South Asia, making war too horrendous an option to contemplate.

LAHORE AND AGRA

Apart from Tashkent and Simla, two (2) other serious initiatives for peace also faltered. Indian Prime Minister Atal Behari Vajpayee travelled to Lahore inaugurating the New Delhi-Lahore bus service in February 1999. That visit was capped by the Lahore Declaration, under which India agreed to discuss Kashmir together with seven (7) other issues as part of a simultaneous 'composite dialogue' process.

The Kargil conflict derailed the Lahore process, resulting in the October 1999 coup in Pakistan and election of a new BJP government in India. Initially, the BJP government refused to talk to Pakistan on the plea that it could not negotiate with an 'undemocratic military regime', but it changed its stand in July 2001 by inviting General Musharraf to a Summit at Agra.

However, Agra too failed, given the yawning chasm between the positions of the two (2) sides: Pakistan insisting that Kashmir is the 'core' issue while India adamant that 'cross border terrorism' was the key question. The Summit collapsed on these conflicting postures.

BACK-CHANNEL DIPLOMACY

Pakistan and India also tried back-channel diplomacy between two (2) nominees of the two (2) Prime Ministers following the Lahore Declaration, Niaz Naik and R.K. Mishra. They had three (3) meetings in April-June, with various options for a Kashmir settlement explored but no decision arrived at since these dialogues were overtaken by the Kargil Conflict.

Reviving back-channel diplomacy would be a good idea, since serious and substantive issues can best be discussed for the purposes of a political compromise, away from public attention.

OPTIONS FOR RESOLUTION OF THE KASHMIR ISSUE

While speaking of solutions at this stage would be premature given the public positions of both parties, it is worthwhile to examine what are some of the listed options.

PLEBISCITE:

Pakistan's preferred options is for the implementation of the UN resolutions enabling the people of Jammu and Kashmir to determine whether they opt for Pakistan or wish to remain part of India.

LOC AS INTERNATIONAL BORDER:

India's preferred solution would be for the status quo to become the solution, with the Line of Control converted into an international boundary between India and Pakistan.

INDEPENDENT KASHMIR:

Some Kashmiri groups support the option of Jammu and Kashmir being an independent state, controlled neither by India nor by Pakistan.

THE CHENAB FORMULA:

Some have talked of a partition of Kashmir along the Chenab River, with people west of the Chenab mostly Muslims and east of the Chenab mostly Hindus. A variant of this formula would formalise a de facto partition of Kashmir along religious lines, with predominantly Hindu districts of Jammu and primarily Buddhist Ladakh going to India, while the mostly Muslim Valley would be allocated to Pakistan.

END NOTE

While there is no clear roadmap for peace in South Asia, unlike the Middle East, the leadership of India and Pakistan will have to seek either of three (3) viable options in their future relationship.

First, they can pick up the thread from where the summit at Lahore left off, proceeding on normalisation and negotiations on Kashmir plus seven (7) other issues cited in the 'composite dialogue' which would be concurrently running on all eight (8) counts. This is what happened at the Lahore Summit.

Second, they could keep normalisation of relations on hold, till they are able to first agree on the most contentious of issues, namely, Kashmir. Pakistan says, and so do the Kashmiri populace, that Kashmir is the 'core' question while India sees 'cross border terrorism' as the key before any other areas can be tackled. The Agra Summit was deadlocked on these divergences.

Third, Pakistan and India can continue in the post-Agra phase of 'no war, no peace' with recurring crises requiring frequent US mediation. The international community is unlikely to accept this situation of semi-permanent tensions that could spin out of control.

The first option, of reverting to Lahore and proceeding from there, seems to be the most doable in the present circumstances since it is relatively free of political costs for both the antagonists. It would not lead to a Kashmir settlement, but its plus is that it brings down the political temperature in South Asia; it reverts their relations to normality and it could help alleviate sufferings of the Kashmir population, which has seen over eighty thousand 80,000 martyrs in the last fourteen (14) years. Equally important, both governments could live with such a process, and neither would be accused of a 'sell-out'.

If the option of war is out, given the nuclear factor, then both can proceed on a dialogue that is doable. Meanwhile, they will have the time to fashion initiatives that go beyond their maximalist positions on the 50-year-old Kashmir dispute. Both need to see the current situation as the beginning of a process, rather than as a one-off make-or-break event.

APPENDIX A

SUMMITS AND PACTS

APPENDIX A

Summits and Pacts

	Date	Leader Pakistan	Leader India	Venue	Details
01	18-04-1950	Prime Minister Liaquat Ali Khan	Prime Minister Pandit Jawahar Lal Nehru	Karachi	Talks focused on matters relating to immigrants and minorities.
02	26-04-1950	Prime Minister Liaquat Ali Khan	Prime Minister Pandit Jawahar Lal Nehru	New Delhi	Agreement reached on matters relating to immigrants and minorities under the name Liaquat-Nehru pact.
03	16-08-1953	Prime Minister Muhammad Ali Bogra	Prime Minister Pandit Jawahar Lal Nehru	New Delhi	The parties agreed to resolve the Kashmir dispute in accordance with wishes of people.
04	11-09-1958	Prime Minister Feroze Khan Noon	Prime Minister Pandit Jawahar Lal Nehru	New Delhi	Parties agreed to resolve the outstanding issues.
05	01-09-1960	President Field Marshal Ayub Khan	Prime Minister Pandit Jawahar Lal Nehru	New Delhi	Parties agreed to resolve mutual disputes on the basis of fairness.
06	19-09-1960	President Field Marshal Ayub Khan	Prime Minister Pandit Jawahar Lal Nehru	Karachi	Sindh-TAAS Accord was reached.
07	10-01-1966	President Field Marshal Ayub Khan	Prime Minister Lal Bahadur Shastri	Tashkent	Tashkent Accord reached for resolving the disputes having arisen due to 1965 war.
08	02-07-1972	President Zulfikar Ali Bhutto	Prime Minister Indira Gandhi	Simla	The matter of Prisoners of 1971 war was resolved under Simla Accord . The ceasefire line renamed as Line of Control (LoC).
09	02-11-1982	President Gen. Zia-ul-Haq	Prime Minister Indira Gandhi	New Delhi	The leaders met on the sidelines of Non-Aligned Movement summit, talks were inconclusive.

APPENDIX A

Summits and Pacts

	Date	Leader Pakistan	Leader India	Venue	Details
10	17-09-1985	President Gen. Zia-ul-Haq	Prime Minister Rajiv Gandhi	New Delhi	Talks focused on matters relating to immigrants and minorities.
11	21-02-1987	President Gen. Zia-ul-Haq	Prime Minister Rajiv Gandhi	Jaipur	Agreement reached on matters relating to immigrants and minorities under the name Liaquat-Nehru pact.
12	30-12-1988	Prime Minister Benazir Bhutto	Prime Minister Rajiv Gandhi	Islamabad	The parties agreed to resolve the Kashmir dispute in accordance with wishes of people.
13	12-05-1997	Prime Minister Nawaz Sharif	Prime Minister Inder Kumar Gujral	Male	Parties agreed to resolve the outstanding issues.
14	23-09-1998	Prime Minister Nawaz Sharif	Prime Minister Atal Bihari Vajpayee	New York	Parties agreed to resolve mutual disputes on the basis of fairness.
15	20-02-1999	Prime Minister Nawaz Sharif	Prime Minister Atal Bihari Vajpayee	Lahore	Sindh-TAAS Accord was reached.
16	14-07-2001	President Gen. Pervez Musharraf	Prime Minister Atal Bihari Vajpayee	Agra	Tashkent Accord reached for resolving the disputes having arisen due to 1965 war. The matter of Prisoners of 1971 war was resolved under Simla Accord . The ceasefire line renamed as Line of Control (LoC).

APPENDIX B

THE TASHKENT DECLARATION

APPENDIX B

The Tashkent Declaration

The Text of the Tashkent Declaration signed on January 10, 1966 at Tashkent, the capital of the Republic of Uzbekistan in the then Soviet Union by President Ayub Khan and Prime Minister Lal Bahadur Shastri on behalf of their respective countries in the presence of the Soviet Premier Alexi Kosygin who mediated between them

The Prime Minister of India and the President of Pakistan, having met at Tashkent and having discussed the existing relations between India and Pakistan, hereby declare their firm resolve to restore normal and peaceful relations between their countries and to promote understanding and friendly relations between their peoples. They consider the attainment of these objectives of vital importance for the welfare of the 600 million people of India and Pakistan.

I: The Prime Minister of India and the President of Pakistan agree that both sides will exert all efforts to create good neighborly relations between India and Pakistan in accordance with the United Nations Charter. They reaffirm their obligation under the Charter not to have recourse to force and to settle their disputes through peaceful means. They considered that the interests of peace in their region and particularly in the Indo-Pakistan Sub-Continent and, indeed, the interests of the people so India and Pakistan were not served by the continuance of tension between the two countries. It was against this background that Jammu and Kashmir was discussed, and each of the sides set forth its respective position.

II: The Prime Minister of India and the President of Pakistan have agreed that all armed personnel of the two countries shall be withdrawn not later than 24 February, 1966, to the positions they held prior to 5 August, 1965, and both sides all observe the cease-fire terms on the cease-fire line.

III: The Prime Minister of India and the President of Pakistan have agreed that relations between India and Pakistan shall be based on the principle of non-interference in the internal affairs of each other.

IV: The Prime Minister of India and the President of Pakistan have agreed that both sides will discourage any propaganda directed against the other country, and will encourage propaganda which promotes the development of friendly relations between the two countries.

V: The Prime Minister of India and the President of Pakistan have agreed that the High Commissioner of India to Pakistan and the High Commissioner of Pakistan to India will return to their posts and that the normal functioning of diplomatic missions of both countries will be restored. Both Government shall observe the Vienna Convention of 1961 on Diplomatic Intercourse.

VI: The Prime Minister of India and the President of Pakistan have agreed to consider measures towards the restoration of economic and trade relations, communications, as well as cultural exchanges between India and Pakistan, and to take measures to implement the existing agreements between India and Pakistan.

VII: The Prime Minister of India and the President of Pakistan have agreed that they will give instructions to their respective authorities to carry out the repatriation of the prisoners of war.

VIII: The Prime Minister of India and the President of Pakistan have agreed that the two sides will continue the discussion of questions relating to the problems of refugees and eviction/illegal immigrations. They also agreed that both sides will create conditions which will prevent the exodus of people. They further agreed to discuss the return of the property and assets taken over by either side in connection with the conflict.

IX: The Prime Minister of India and the President of Pakistan have agreed that the two sides will continue meetings both at the highest and at other levels on matters of direct concern to both countries. Both sides have recognized the need to set up joint Indian-Pakistani bodies which will report to their Governments in order to decide what further steps should be taken.

The Prime Minister of India and the President of Pakistan recorded their feelings of deep appreciation and gratitude to the leaders of the Soviet Union, the Soviet Government and personally to the Chairman of the Council of Ministers of the U.S.S.R. for their constructive, friendly and noble part in bringing about the present meeting which has resulted in mutually satisfactory results. They also express to the Government and friendly people of Uzbekistan their sincere thankfulness for their overwhelming reception and generous hospitality.

They invite the Chairman of the Council of Ministers of the U.S.S.R. to witness this declaration.conflict.

APPENDIX C

THE SIMLA AGREEMENT

APPENDIX C

THE SIMLA AGREEMENT

The Text of the Simla Agreement signed on July 2, 1972 at Simla, India, by President Zulfikar Ali Bhutto of Pakistan and Prime Minister Indira Gandhi of India

The Government of India and the Government of Pakistan are resolved that the two countries put an end to the conflict and confrontation that have hitherto marred their relations and work for the promotion of a friendly and harmonious relationship and the establishment of durable peace in the subcontinent so that both countries may henceforth devote their resources and energies to the pressing task of advancing the welfare of their peoples.

HARMONIOUS RELATIONSHIP

In order to achieve this objective, the Government of India and the Government of Pakistan have agreed as follows:

1. That the principles and purposes of the Charter of the United Nations shall govern the relations between the two countries.
2. That the two countries are resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them. Pending the final settlement of any of the problems between the two countries, neither side shall unilaterally alter the situation and both shall prevent the organization, assistance or encouragement of any act detrimental to the maintenance of peaceful and harmonious relations.
3. That the pre-requisite for reconciliation, good neighborliness and durable peace between them is a commitment by both countries to peaceful co-existence, respect for each other's territorial integrity and sovereignty and non interference in each other's internal affairs on the basis of equality and mutual benefit.
4. That the basic issues and causes of conflict which have bedeviled the relations between the two countries for the last 25 years shall be resolved by peaceful means.
5. That they shall always respect each other's national unity, territorial integrity, political independence and sovereign equality.
6. That in accordance with the Charter of the United Nations, they will refrain from the threat or use of force against the territorial integrity or political independence of each other.

Both the Governments will make all steps within their power to prevent hostile propaganda directed against each other. Both countries will encourage the dissemination of such information as would promote the development of friendly relations between them.

COMMUNICATIONS AND TRADE

In order to progressively restore and normalize relations between the two countries step by step, it was agreed that:

7. Steps shall be taken to resume communications, postal, telegraphic, sea, land including border posts and air links including over-flights.
8. Appropriate steps shall be taken to promote travel facilities for the nationals of the other country.
9. Trade and cooperation in economic and other agreed fields will be resumed as far as possible.

THE SIMLA AGREEMENT

10. Exchange in the fields of science and culture will be promoted. In this connection, delegations from the two countries will meet from time to time to work out the necessary details. In order to initiate the process of the establishment of durable peace, both the government agree that:
11. Indian and Pakistani forces shall be withdrawn to their side of the international border.
12. In Jammu and Kashmir, the Line of Control resulting from the cease-fire of December 17, 1971, shall be respected by both sides without prejudice to the recognized position of either side. Neither side shall seek to alter it unilaterally irrespective of mutual differences and legal interpretations. Both sides further undertake to refrain from the threat or use of force in violation of this line.
13. The withdrawals shall commence upon entry into force of this agreement and shall be completed within a period of 30 days thereof.

This agreement will be subject to ratification by both countries in accordance with their respective constitutional procedure and will come into force with effect from the date on which the instruments of ratification are exchanged.

SECOND SUMMIT

Both Governments agree that their respective Heads will meet again at a mutually convenient time in the future and that in the meanwhile the representatives of the two sides will meet to discuss further the modalities and arrangements for the establishment of durable peace and normalisation of relations, including the questions of repatriation of prisoners of war and civilian internees, a final settlement of Jammu and Kashmir and the resumption of diplomatic relations.

Sgd (Zulfikar Ali Bhutto)
President, Islamic Republic of Pakistan

Sgd (Indira Gandhi)
Prime Minister Republic of India

APPENDIX D
THE LAHORE DECLARATION

APPENDIX D

The Lahore Declaration

The text of the Lahore Declaration signed on February 21, 1999 at Lahore, Pakistan by Prime Minister Nawaz Sharif of Pakistan and Prime Minister Atal Behari Vajpayee of India

The Prime Ministers of the Islamic Republic of Pakistan and the Republic of India:

Sharing a vision of peace and stability between their countries, and of progress and prosperity for their peoples;

Convinced that durable peace and development of harmonious relations and friendly cooperation will serve the vital interests of the people of the two countries, enabling them to devote their energies for a better future;

Recognizing that the nuclear dimension of the security environment of the two countries add to their responsibility for avoidance of conflict between the two countries;

Committed to the principles and purposes of the Charter of the United Nations, and the universally accepted principles of peaceful co-existence;

Reiterating the determination of both countries to implementing the Simla Agreement in letter and spirit;

Committed to the objectives of universal nuclear disarmament and non-proliferation;

Convinced of the importance of mutually agreed confidence building measures for improving the security environment;

Recalling their agreement of 23 September 1998, that an environment of peace and security is in the supreme national interest of both sides and that the resolution of all outstanding issues, including Jammu and Kashmir, is essential for this purpose;

Have agreed that their respective Governments:

1. Shall intensify their efforts to resolve all issues, including the issue of Jammu and Kashmir.
2. Shall refrain for intervention and interference in each other's internal affairs.
3. Shall intensify their compositior and integrated dialogue process for an early and positive outcome of the agreed bilateral agenda.
4. Shall take immediate steps for reducing the risk of accidental or unauthorized use of nuclear weapons and discuss concepts and doctrines with a view to elaborating measures for confidence building in the nuclear and conventional fields, aimed at prevention of conflict.



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