



Background Paper

India-Pakistan: The Current Impasse



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BACKGROUND PAPER

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Preface

India-Pakistan: The Current Impasse is a background paper authored by **Mr. Mani Shankar Aiyar**, Member of Indian Rajya Sabha and a renowned Scholar, for the benefit of participants of the Pakistan-India Parliamentarians Dialogue-VI, scheduled to be held in New Delhi on December 11-12, 2014.

The paper outlines various developments that have affected Pakistan-India relations from the Indian lens. By giving a brief perspective of the main irritants for India in its dealings with Pakistan, Mr. Aiyar suggests a way forward, in view of the current hostility, to improve the Pakistan-India relations and resume the process of dialogue that has affectively been halted for at least the past one year.

Disclaimer

The views expressed in this paper belong to the author and do not necessarily represent the views of PILDAT.

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December 2014

About the Author



Mr. Mani Shankar Aiyar
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Mr. Mani Shankar Aiyar was born on April 10, 1941 in Lahore. He graduated in Economics in 1961 from Delhi University standing first in the University and went on to do his Tripos in Economics at Cambridge University, and, in the Oxbridge tradition, was later awarded an M.A degree. He was subsequently elected as an Honorary Fellow of Trinity Hall, Cambridge, an honour he shares with Khwaja Nazimuddin, the second Governor General of Pakistan. He joined the Indian Foreign Service (IFS) in 1963 and after serving in Brussels, Hanoi and Baghdad, was posted as India's first Consul General in Karachi (December 1978 to January 1982). During his last five years in the IFS, he served on deputation as Joint Secretary to Prime Minister Rajiv Gandhi. He took voluntary retirement from the IFS in 1989 to pursue an alternative career in politics and the media. Mr. Aiyar has served as an elected member from Tamil Nadu in the 10th, 13th and 14th Lok Sabhas and held different portfolios as the Union Minister of Panchayati Raj, Union Minister of Petroleum and Natural Gas, Union Minister of Youth Affairs and Sports, and Union Minister for the Development of North-Eastern Region. The President of India conferred on him the “*Outstanding Parliamentarian*” award for 2006. In March 2010, he was nominated to Rajya Sabha and is currently a member of the Standing Committee on Petroleum and Natural Gas and the Consultative Committee on External Affairs. He is the Founder President of the Society for Secularism and Chairman of the Indian Chapter of the South Asia Foundation. He has authored and edited several books and writes for different newspaper and magazines, both in India and abroad, as well as a weekly blog on ndtv.com.

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Background to the Current Hostility in Pakistan-India Relations

The current state of India-Pakistan relations is best illustrated by two photographs from the Kathmandu SAARC Summit on successive days: the first showing the Indian Prime Minister studiously looking at a brochure, studiously ignoring the Pakistan Prime Minister walking past him to the podium; the next showing the two of them in a frozen handshake, barely meeting the demands of elementary courtesy. The situation is akin to the proverbial irresistible force meeting the immovable object. India-Pakistan relations are at their lowest point ever in the twenty-first century.

There have been earlier crises this century – the terrorist attack on the Indian Parliament in December 2001 followed by Operation Parikrama; and the murderous, trust-shattering 26/11 Mumbai Attack. But through both those crises and their aftermath, some low-level diplomatic contact continued and there was no definitive abandonment of the dialogue process. In consequence, when the thaw set in, it was possible to resume the dialogue more or less at the point where it had previously been broken off.

It was also a period that saw changes of Government in Pakistan and India – the PPP and the PML-N taking over in democratic succession from President Pervez Musharraf in Pakistan; and Dr. Manmohan Singh taking over from Mr. Atal Behari Vajpayee in India – these changes in Government barely affecting continuity in the India-Pakistan process. But the new situation arising out of the recent change of Government in India and the new “Red Line” since drawn constitute a fundamental alteration in the paradigm from which there appears to be no obvious escape.

It is not as if the earlier period were marked by just the two major shocks. There was a persistent undercurrent of irritants and worse: the *Samjhauta* blast; tension and flare-ups across the Line of Control in Kashmir; infiltration and proxy war in the Valley; the problem of water shortages in the Indus basin attributed to the building of dams by India in Kashmir; links alleged between terrorist cells in India and their masters in Pakistan; stop-go in trade relations with allegations on the Pakistan side of India raising non-tariff barriers and on the Indian side of Pakistan's failure to adhere to announced time-lines for the liberalization of trade and transit; charges traded regarding relations with Afghanistan; aggravation of adverse sentiment by the media; and a complete failure to proceed on issues of

contention that appear resolvable such as Siachen and Sir Creek.

But at no stage since Operation Parikrama was withdrawn and Gen. (Retd.) Pervez Musharraf was invited to Agra has there been as complete a freeze in relations as we have been seeing since mid-August 2014 when India objected to the Pakistan High Commissioner interacting with the Hurriyat on the eve of the scheduled Foreign Secretaries' talks, which were then cancelled and do not look as if they are likely to be rescheduled any time soon.

So, where, if anywhere, do we go from here?

Pakistan argues that for at least 15 years, they have been interacting with the Hurriyat on every occasion when their senior leaders have visited India. This has been within the knowledge - *and* with the consent - of India. The Government of India, they say, has even facilitated visits by the Hurriyat to Pakistan. Moreover, there have been meetings in third countries too. Why then this new red line and how can its unilateral imposition be justified?

The argument is further made that Pakistan has to carry with it the people of Pakistan by showing that Kashmiri opinion on both sides of the LoC is being taken into consideration as the talks move forward.

On the Indian side, the argument is that Pakistan must decide whether they want to talk to the elected Government of India or the self-selected separatists who constitute the Hurriyat. Talking to both, insists India, is no longer acceptable. They also point to Prime Minister Nawaz Sharif having visited New Delhi for the Indian Prime Minister's swearing-in without talking to the Hurriyat. It is also claimed by India, somewhat *sotto voce*, that the Pakistani Prime Minister had been cautioned in May 2014 that continuing contacts between Pakistan and Kashmiri separatists would no longer be countenanced.

This assertion is contested by Pakistan.

The current stand-off is entirely related to this one point. Compared to the horrors of cross-border terrorist attacks and casualties inflicted by firing across the LoC, the Hurriyat question would appear to be tractable. In fact, it is not because it involves a clash of sovereignties: Pakistan's right to not accept unilateral Red Lines drawn by the other side and India's sovereignty in deciding who on the Indian side will be Pakistan's interlocutors.

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The Indian stand is that the bilateral dialogue must be confined to India and Pakistan as envisaged in the 1972 Simla Agreement; the Pakistan point is that Kashmir is the issue in dispute, as recognized in Simla 1972, and, therefore, the Kashmiris have a right to be taken into confidence as part of the process. They point to India's own interactions with the Hurriyat. This, India replies, is India's internal business. There can be no reconciliation of these two expressions of national sovereignty.

Yet, the merits of the arguments apart, the imperatives of peace and reconciliation remain exactly as they were in May 2014 when the new Government of India and the year-old Government of Pakistan signalled their intention to resume their mutual dialogue, beginning with initial talks between their Foreign Secretaries. The imperatives for dialogue remain the same; the obstacles to dialogue remain the same. Back in May 2014, dialogue appeared to be the agreed path to mitigating and eventually removing the obstacles. Now, dialogue is being refused, and its uses refuted, until Pakistan submits to the Indian dictate on the Hurriyat or India decides to let bygones be bygones. That is the most unlikely scenario of all. The dialogue, indeed even the prospects of dialogue, seems irretrievably stuck.

What then is there left to discuss? Only a reminder of the progress already made, and the prospects of success crowning the effort, if the effort is made.

Four Fundamental Issues in Pakistan-India Relations: Indian Point of View

Apart from the Hurriyat, there are at least four fundamental issues that, from the Indian point of view, need to be overcome, if progress is to be sincere and genuine.

The Kashmir Issue

Both Governments appear to be in denial about what was achieved between the two Governments in the three years that followed the Islamabad Declaration when Prime Minister Vajpayee visited Islamabad in January 2004 and the Satinder Lambah-Tariq Aziz backchannel was opened by the two Governments later that year.

The record shows that the negotiators were able to agree that "the final settlement of issues related to Jammu & Kashmir" must eschew exchange of territories and people and concentrate on facilitating the movement of friends and family across the LoC, as well as trade and cultural contacts between the two halves of Kashmir, along with the "joint management"

of the region to render the LoC irrelevant to the lives of those living on either side of it.

True, the backchannel agreement was never brought to either Government for ratification, but as the negotiators were negotiating at the behest of their respective Governments, at least it could be said that dialogue could show the way to some form of resolution.

Firing Across the LoC

Firing across the LoC (and even sometimes the international border), accompanied on occasion by barbarity, leading to the death of not only combat troops but also civilians, besides the destruction of property and the displacement of peoples. Such deplorable incidents cause general outrage on both sides of the border, and the media on both sides of the border aggravates the outrage.

The factual position is that there is an inverse relationship between dialogue and border incidents. There was a palpable reduction in cross-border firing and killings between 2004 and 2008 when the dialogue process was on; the number and gravity of such incidents has been inexorably rising ever since the dialogue process was effectively ended by 26/11.

Thus, if the aim is to end the needless loss of life, destruction of property and cruel displacement involved in cross-border firing, it needs to be recognized that a resumption of contacts leads to a diminution of tension which, in turn, reduces and all but eliminates such regrettable incidents. If we do not talk, the cost in life and limb will be considerable.

Cross-Border Terrorism

There is the question of action to be taken by and in Pakistan to fulfil their Islamabad Declaration (2004) commitment to prevent cross-border terrorism and bring to justice those who perpetrate such heinous acts.

Putting Pakistan in the dock does not appear a very fruitful way of proceeding – although undoubtedly they have much to account for. But India can hold them to their word only through a process of dialogue. Should the ending of terrorism based on Pakistani soil be the pre-condition for initiating talks - or the object of the dialogue?

Moreover, given the problems of ending terrorism directed by Indians against Indian nationals in several parts of India, should India be more sympathetic to the fact of Pakistan itself being the most terrorist-affected state in the world, with some 55,000 Pakistani lives lost

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to terrorism and the US-Pak war on terrorism in Pakistan, especially in the far north-west of the country? Should not India take note of several key establishments having been the object of terrorist attacks, among them the ISI Headquarters in Lahore, Army GHQ in Rawalpindi, and the Mehran Naval Base establishment on the outskirts of Karachi? Would not India-Pakistan cooperation both bilaterally and within the SAARC framework offer a more productive approach to carrying forward a common front against all forms of terrorism?

Whom to Engage with in Pakistan

It has been an oft-repeated argument in Indian circles that as democracy is a fragile plant in Pakistan, it is not, in fact, the Civilian Government but the armed forces, the intelligence community, powerful clerics, and gun-toting 'jihadis' who control the levers of decision-making. Whom then is one to talk to? And what is the point of talking to those who are not really in charge?

Apart from recognizing that Pakistan is a sovereign nation and, therefore, there is no alternative to talking to the Government, the fact is that India has been negotiating – often with a measure of success – through the usual Government channels. To bring in the other entities might constitute recognition of ground realities but cannot be the basis for denying any role to the elected Civilian Government in negotiating with India.

Would, for example, the Indian Government be ready to permit Pakistani negotiators to talk directly to our Army Chief given that India's armed forces are the ones most reluctant to give in on Siachen?

The Civil Government in Pakistan will, of course, have to take all domestic players into account – as, indeed, will India – but to portray the democratically elected Government as a helpless puppet of stronger non-State forces (and their collaborators in the armed forces and intelligence community) is to undermine democracy in Pakistan, which India has always regarded as crucial to the improvement of India-Pakistan relations.

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The Way Forward: Pakistan-India Dialogue

All things considered, there appear to be only two alternative ways forward:

One would be to neglect Pakistan – benign or malign neglect. There is a school of thought in India (and perhaps also in Pakistan) that despairs of any progress being made on any substantial point and, therefore, thinks it wisest to just ignore Pakistan and get on with other dimensions of foreign policy. Superficially feasible though this line of thinking may appear to be, it assumes that issues with Pakistan can be swept under the carpet. Can India ignore firing across the LoC? Can Pakistan ignore water shortages in the Indus basin? Can India ignore infiltration across the LoC? Can Pakistan shut its eyes to smuggling across its borders? Can India shrug off cross-border terrorists? Can Pakistan wash its hands of Kashmir without “a final settlement”? Is Pakistan going to give up indefinitely its claims on Siachen, Sir Creek, Wullar-Tulbul? Can India give up transit routes through Pakistan to and from Afghanistan? Can either country forego trade opportunities with the other? Will the world let matters drift? Will the rattling of our nuclear sabres not cause worldwide concern?

No, mutual neglect is not an option. It is, at best, a pipe dream. Whether we want it or not, Pakistan impinges on India, as India does on Pakistan – not just politically but in everyday life, from divided families to a shared love of Bollywood.

Hence, if both mutual neglect and mutual engagement are ruled out, is there then any way out of the impasse?

There is perhaps only one, for the present. That would be for the India-Pak dialogue to be put on the backburner, but 'talks about talks' to be initiated to explore avenues of returning to the negotiating table. Such talks-about-talks could be undertaken quietly through diplomatic channels (or even clandestine back-channels) so that, if and when the heat subsides and face-saving devices for resumption are settled, the dialogue could be resumed, preferably as an “uninterrupted and uninteruptible” process.



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