

Untangle the Kashmir negotiations

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As Pakistan-India normalisation process moves ahead with discernable ease, substantive progress in dialogue to resolve outstanding issues is also being sought by the two sides. The normalisation process has gone much beyond the pre-December 2001 period. All lines of communication have been restored, embassy strength will soon be back to normal, official visits abound, while unofficial visitors including artists, sports teams, media, academicians, activists, businessmen and politicians cross the border endlessly. Far beyond tension reduction, at the civilian level, there is a palpable 'connect' between the confident people of the two independent neighbouring countries. Citizens in the business of art, trade, media, academia seek areas of synergetic cooperation.

The Pakistani and the Indian States too grudgingly acknowledge that bilateral and regional cooperation in areas ranging from the economy to natural resource management and more can ensure greater peoples' progress. The two governments have also recognised the primacy, not exclusivity, of consolidating internal security, enhancing economic activity and ensuring distributive justice. The dominant thrust in the global discourse on genuine security and the post 9/11 response of many governments acknowledges and supports this primacy.

This overall environment, as recognised by the Pakistani and Indian leadership since the Lahore summit, provides political space to the two governments to actually begin to find principled and mutually acceptable solutions to specific issues identified in the composite dialogue. Of the two central issues, Peace and Security and Kashmir, bilateral dialogue was held in June. No substantive progress was made. India submitted two sets of Kashmir-specific and Military-specific CBMs. The Kashmir CBMs did not address the most critical issue of Indian violation of Kashmiri human rights. Instead India had focused on cross LoC movement aimed at interaction among Kashmiris on both sides.

Pakistan raised three broad issues related to Kashmir; the need to end human rights violations, inclusion of the Kashmiri representatives in the dialogue and a final settlement of the Kashmir issue. Pakistan prefaced these points by simply maintaining the old briefs would not work. New ways of engaging with the issue were required. However, Pakistan did not present specific human rights and political rights related CBMs on which India would have been obliged to respond. India had recalled a set of statements made by Pakistani officials including the former Prime Minister Benazir Bhutto and the former DG ISI Javed Qazi. The former general had blamed the Lashkar-e-Tayaba and Lashkar-e-Jhangvi for the death of many innocent Kashmiris.

The Indian customary practice of blaming Pakistan-sponsored "terrorism" for the situation of Indian Held Kashmir was accompanied by criticism of the human rights violations by Pakistan in Wana and in the Northern Areas. Meanwhile, Pakistan has yet to respond to the Kashmir CBMs. India will seek a response in the unofficial yet important bilateral meeting to be held during the SAARC ministerial meeting. Clearly the foreign secretary level dialogue on Kashmir was a 'talking at' each other session. Not ac-



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tually a dialogue.

The other indicator of the extent to which the 'much-more-than-normalisation' Pakistan-India process is or is not helping dialogue on Kashmir, is the progress on the Srinagar-Muzaffarabad bus proposal. The talks have essentially stalled. Scheduled for around April 8 they had to be called off the evening before. Indians gave differences over the composition of the delegation as a reason for postponing the talks. They could not accept Pakistan's position that a subject of the Jammu and Kashmir state should not be included in the Indian government's delegation as it would "compromise" Pakistan's position that IHK is disputed territory and the Kashmiris have yet to exercise their right of self-determination.

Delhi argued that Pakistan had earlier hosted a J & K official as part of the Indian delegation negotiating on the under construction Bagliar Dam. Pakistan maintained that the Kashmiris, the politicians and the public would find the inclusion in the bus talks unacceptable. Indians maintained Pakistan could have gone into the talks announcing that they were participating in the talks without prejudice to their position on the Kashmir issue.

On India's request the postponement of talks was announced as a mutual decision. India subsequently proposed that the bus talks be announced as political-technical talks. This would give India the opening to include the IHK official who would be involved at the technical level once the decision to run the bus service is made at the political level. The announcement of holding politico-technical talks has been made. Still no dates.

Conducting a meaningful dialogue on Kashmir was never going to be easy. Despite top political commitment on both sides to move beyond stated positions and to move away "from the past positions," the old rhetoric of "cross-border terrorism" does kick in. Delhi emits dual messages on Kashmir. While it recognises that Pakistan will not accept LoC, that according to the January 6 statement the Kashmir issue has to be resolved to the "mutual satisfaction" of both India and Pakistan, the Indian government equates the IHK troubles for India no different from what Pakistan faces internally in Wana.

Clearly India's Kashmir policy indicates change at the bilateral diplomatic level. In engaging with Pakistan India concedes Kashmir is more than its internal problem. Through the quiet political Dixit-Aziz channel India has also proposed that a small low profile Pakistan-India working group be set up by the two governments to consider possible solutions to the Kashmir dispute. This suggestion was conveyed by the Indian National Security Advisor J N Dixit to Tariq Aziz the trusted aide of President General Pervez Musharraf. Indians maintain their Kashmir CBMs aim at "softening not hardening" the LoC.

Privately Indians maintain they have covered the two points of President Musharraf's 4-point Kashmir resolution formula; one accepting that it's a problem and two knocking out the unacceptable. They are correct.

Yet at the operational level the Indian failure to take even one concrete step to begin ending the state oppression in the Valley and in its adjacent Muslim majority districts raises the usual fears in Islamabad and in Indian Held Kashmir. In policy making circles the fear is that India is merely buying time to crush the Kashmiri struggle. That a popular anti-India struggle exists in the Valley is documented in western media reports which talk of thousands of Kashmiris protesting against Indian oppression including custodial deaths, crackdowns and arbitrary arrests. India's willingness to engage with Pakistan in a dialogue over Kashmir is also a tacit acknowledgement by Delhi that the complete political alienation in the Valley and other areas requires more than force-ridden solution.

Indians claim they will take steps to improve the human rights situation. However, as they have conveyed to Islamabad, they will only take these steps unilaterally. Taking these steps in response to Pakistan's pressure can be viewed as Delhi compromising on its position that Kashmir is an internal issue. Once we take the steps unilaterally, Islamabad can claim credit is what the Indians have told Islamabad. Whatever India's explanations the fact is that until now India has taken no step to end state-sponsored violence in Kashmir. Instead of reducing troop presence and taking them away from civilian areas there has been a marked increase in civilian killings.

Pakistan-India Kashmir talks remain bogged down by inaction. Distrust, old mind-sets and perhaps clever-by-half approaches maybe responsible for this near paralysis on Kashmir. The only way forward is indeed to move forward. Concrete steps in three areas need to be taken on Kashmir:

* The Muzaffarabad-Srinagar bus talks must begin at the earliest possible date. An amicable settlement over the composition of the Indian delegation is easy to find. The talks can be held in Delhi if Islamabad has a problem receiving an IHK subject in the Indian delegation.

* India must take steps to reduce the State repression in Indian Held Kashmir and to improve the human rights situation. This must include greater political freedom for the Kashmiris.

* The two governments should set up a small official Kashmir Group to explore possible solutions to the Kashmir dispute. This group, would only explore possibilities. Clearly a three way acceptable solution will be finalised through tripartite negotiations involving true Kashmiri representatives.

Tangible movement on Kashmir, safeguarding the interest of the Kashmiris, is possible and necessary. Critiquing intentions, seeking out for the 'trust' factor and deploying clever-by-half ways to stall the dialogue process on Kashmir will not promote any party's interest. Indeed it will undermine the interest of all three: the Kashmiris, the Pakistanis and the Indians. A just and sustainable resolution of the Kashmir issue is critical to durable improvement in Pakistan-India relations.