



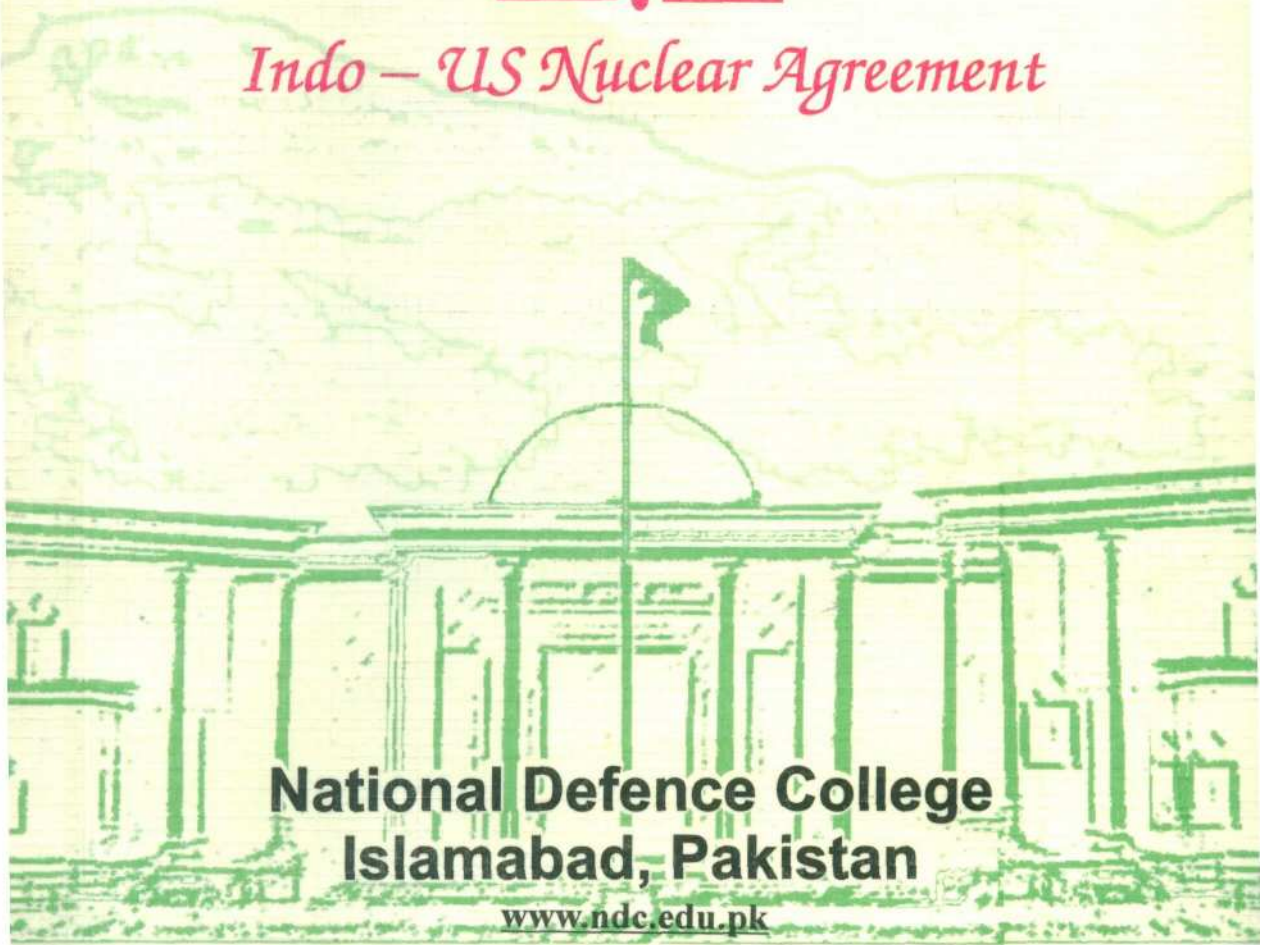
# *Margalla Papers*

**2006**

*India – Pakistan Peace Process*



*Indo – US Nuclear Agreement*



**National Defence College  
Islamabad, Pakistan**

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## MARGALLA PAPERS 2006

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Views expressed in this publication are those of the authors and do not represent the views of National Defence College, or of the Armed Forces or any government agency.

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**President's Address to United Nation General Assembly's 61<sup>st</sup>  
Session, New York**

*One of our strategic aims is to utilize Pakistan's unique geo-strategic position to build trade, energy and communication corridors linking South Asia, West Asia, Central Asia and China. Regional Integration will accelerate economic growth and prosperity in our part of Asia, and even going beyond. Of course, Pakistan still faces daunting challenges, within and without. We are facing them boldly to build an environment of peace and stability in our region.*

*Madam President, Pakistan desires a peaceful environment in the region. We are being engaged in a peace process with India, aimed at confidence building and resolving issues, including the Jammu and Kashmir dispute that have been the source of tension and conflict environment, have brought an acceptable solution of this longstanding dispute within reach. I am confident that my positive meeting with Prime Minister Manmohan Singh in Havana will help to carry forward the peace process which is vital for the future of both countries and for peace in South Asia and beyond.*

*A stable security environment is also important for peace in our region. Pakistan has proposed the creation of a strategic restraint Regime in South Asia, encompassing minimum nuclear deterrence and balance of conventional forces. We do not want to enter into an arms race. But we will do whatever is necessary to preserve the credibility of our minimum defensive level.*

*Pakistan has a legitimate requirement for nuclear power generation to meet the energy needs of our expanding economy and our expanding industry. As a responsible nuclear State, we will continue to seek nuclear technology for power generation under strict IAEA safeguards. We cannot accept discrimination in the nuclear field.*

**General Pervez Musharraf  
President, Islamic Republic of Pakistan  
19 September 2006**

## EDITORIAL

This issue of the *Margalla Papers* has been devoted to two themes: 'India-Pakistan Peace Process' and 'Indo-US Nuclear Agreement'. The topics that have been chosen and analysed by various scholars could not have been more apt at this juncture of history. Depending on how these two processes progress and evolve, the bearing on Pakistan's security and regional stability will certainly be significant.

Until very recently the Indo-Pakistan peace process appeared to be once again, in the aftermath of the Mumbai train blasts, on slippery slope but fortunately, and unlike the 2001 terror attacks on the Indian parliament, the current 'slippery slope' has been relatively brief. The Statement by President Musharaf at the recent Havana Non-Aligned Movement meeting (September 2006) would seem to indicate that the composite dialogue appears to be restored and, more importantly, his assertion at the UN that a solution to the Kashmir issue was 'within reach'. President Musharaf's optimism obviously flowed from his meeting with Prime Minister Manmohan Singh.

Initially, the Indo-US Nuclear Agreement suffered a setback in the US Senate, but has now been approved overwhelmingly (85 votes in favor and 12 against). The Bush Administration also determined to see it through at the Nuclear Supplier's Group (NSG). In this, the Bush Administration, as it appears, is more likely than not to receive the full backing of the Democrats. The Agreement is purportedly aimed at helping India satisfy its increasing energy needs as its economy swells and demands for electricity increases. However, many observers have put a different interpretation on the actual objective of the Agreement.

There are many question marks hanging over the Agreement as well as uncertainty over its implications: will the Indians play the tune of the US by being a part of the US containment strategy of China, a neighbour of India and with whom its commercial ties are daily expanding?; will the US permit the Indians to exert influence in the region at the expense of other friendly countries of the

region?; will India relinquish her energy-centric relations with Iran? And lastly, of course, will the Agreement sail through the NSG?

Finally, on an administrative note, we are happy to inform our readership that the *Margalla Papers* will now be published bi-annually and all articles submitted for publication will go through a vigorous peer review. As a publication of the apex training institution of the Pakistan's Armed Forces, we aim to make the Journal a forum *par excellence* for information, debate and above all scholarship on issues that impinge on our national security.

**Editor**

## CHANGING DYNAMICS OF THE KASHMIR DISPUTE

*Dr. Pervaiz Iqbal Cheema*

Even after the passage of 59 years, the Kashmir dispute still continues to occupy a paramount position in Indo-Pak relations and it has abundantly become clearer that without its resolution, peace in south Asia would continue to remain an illusive commodity. Pakistan's frustration stems from its inability to influence India to hold the UN approved plebiscite in the past and the future does not hold much promise in this regard either. India has become extremely sensitive over any reference to the Kashmir dispute as such references depict an ugly picture of broken promises and unfulfilled pledges which, in turn, hurt their pride. An injured Indian pride often reacts strangely and sometimes even contemplates punitive measures. Aware of its weak case, India patiently and with meticulous care evolved a shrewd Kashmir policy that enabled it to hold on to a major portion of the state as well as maintain claims over areas that form Azad Kashmir

To comprehend properly the undesired lack of progress on the core issue, one needs to understand all shades of the ongoing Kashmir dispute- more specifically how the dispute originated, what are the claims of the involved parties, what developments have taken place so far which reflect the changing dynamics. The paper initially discusses the origin and nature of the Kashmir dispute along with highlighting the carefully contrived policies of the both countries followed by a discussion on the internationalization of the dispute. Only then the paper begins to focus on the changing dynamics and the new developments that have impacted upon the dispute.

### I

**The Arguments:** In the complex of conflicts between India and Pakistan that were the legacy of the hasty and surgical partition, the Jammu and Kashmir issue has survived as the main cause, as well as the symbol, of their mutual animosity and intransigence. Most Pakistanis, 59 years after the partition, have perhaps now

forgotten what happened to Junagadh, or even to Hyderabad; to the never delivered military stores, and to the financial assets which India withheld for several months in 1947-48. While some of the issues that were the product of unimaginative partition such as the sharing of waters and evacuee property were resolved, the deadlock over Jammu and Kashmir (hereafter referred to as Kashmir) has remained almost where it was in its initial stages, this, being the view held by Pakistan although India would want the world community to believe that the dispute no longer exists. Poles apart while their respective positions are, the complexity of the dispute has enabled both sides to back their stands with long lists of arguments and counterarguments, with each believing that her case is absolutely irrefutable and fair.

The seeds of the Kashmir dispute were sown at the time of the partition of the subcontinent into Pakistan and India and British Viceroy Louis Mountbatten's role in securing accession of most of the princely States to India, disregarding, when necessary, the principles he himself had laid down governing the processes of partition. Technically the fundamental principle of accession was that power to accede to one or the other of the new dominions was vested in the personal decision of the ruler but it was also recognized that the decision of the ruler should be governed by considerations of geographic contiguity to one of the dominions, composition of the population and above all by the wishes of the people. The Indians claim that since Maharaja had acceded to India and later the Constituent Assembly of Kashmir ratified the accession, therefore Kashmir had become an integral part of Indian Union.<sup>1</sup> Much later, the Indians claim that a resolution was passed by their parliament recognizing Kashmir as an integral part of the Indian Union.

India insisted upon grabbing Junagadh and Hyderabad, because of the Hindu majority population in these states, despite the fact that the ruler of Junagadh opted for Pakistan and the ruler of Hyderabad preferred independent status. By this criterion, Kashmir should have automatically joined Pakistan. But, in the case of Kashmir, India applied a different criterion by maneuvering to obtain territorial contiguity with the State and securing the consent



of the Maharajah to join India. Once the Maharajah had supposedly signed the instrument of accession, India relegated the principles of self-determination and geographic contiguity to a secondary position and pushed the legalistic approach to the forefront.

Pakistan claims that her stand on Kashmir is not motivated by any considerations of territorial ambition, and that she asked for nothing more than the extension to Kashmir of the principles that were enunciated by Lord Mountbatten in his address to the gathering of the rulers of states. The principles included the considerations for geographic proximity and the aspiration of the people of the state. Further, pointing out that India had justified her annexation of both Junagadh and Hyderabad on the ground that their inhabitants desired to join the Indian Union, Pakistan demands that India should permit the people of Kashmir to decide their future through an internationally-supervised plebiscite. To the holding of such a plebiscite, Pakistan argues, India is officially committed through the Indian Government's repeated pledges to Pakistan as well as the United Nations.

On January 1, 1948, under Article 35 of the UN Charter (Pacific Settlement of Disputes), India took the case before the Security Council charging Pakistan with assisting the tribesmen and other invaders to violate her sovereignty. Interestingly India did not file the case under UN articles dealing with acts of aggression but insisted in the ensuing debate that Pakistan be declared as an aggressor which UN refuse to do. Pakistan lodged a counter complaint accusing India of the organized genocide of Muslims in East Punjab, Delhi and other places in India, the forcible occupation of Junagadh, and the well-planned action taken by India to secure the accession of Kashmir by fraud and violence.

The UN Security Council, having heard both parties at length, passed two resolutions, one on 17th January 1948 asking parties involved not to aggravate the situation but to do everything to improve it, and the second on 20th January 1948, which established a mediatory Commission eventually to be known as the United Nations Commission on India and Pakistan (UNCIP). The UNCIP went to the area and after lengthy consultations with both

India and Pakistan passed two resolutions - the resolution of 13 August 1948 and 5 January 1949. These resolutions were accepted by both India and Pakistan and endorsed by the Security Council.<sup>2</sup>

While recognizing that a vast majority of Kashmiri people are the followers of Islam, India justifies her possession of Kashmir on the basis of the Maharaja's instrument of accession, of which the legality and validity cannot be questioned, least of all by Pakistan, since she, India emphasizes, had shown no hesitation to accept the accession of the Nawab of Junagadh whose more than eighty per cent subjects were Hindus. As regards her undertaking to ascertain the Kashmiris' will through a plebiscite, India claims that she promised to do so "long before" the dispute was referred to the Security Council. Hence it was a promise "to the people of Jammu and Kashmir and not to Pakistan or United Nations and as such it does not involve any international commitment as far as the validity of accession is concerned". Still, although India was prepared to fulfill her promise to the people of Kashmir, the holding of a plebiscite was constantly obstructed by Pakistan's refusal to withdraw her troops from such parts of the State as were under her occupation. In the circumstances, India had no alternative but to let the Kashmiris decide their future through a "duly elected representative body", the, Constituent Assembly, which, meeting on 17 November 1956, confirmed the States permanent accession to India. This being its people's voluntary verdict, Kashmir's accession to India is therefore final, complete, perfect and irrevocable".<sup>3</sup> Since then the Kashmiris have been expressing their desire through regularly held elections.

Pakistan of course does not accept the arguments advanced by India, and most other members of the United Nations thereon generally share her attitude. The Maharaja, it is pointed out, was in no legal position to execute the instrument of accession on 26 October, 1947, because two days previously his subjects had successfully ousted him from Kashmir, when they established the Azad (Free) Kashmir on 24 October. His decision to join India was therefore of a doubtful validity and as such could not be compared to the accession to Pakistan of the Nawab of Junagadh, who had signed the documents of accession as both the de-facto and de-jure

ruler of his state. Furthermore, the Maharaja's accession to India violated the standstill agreement between Kashmir and Pakistan whereby; Pakistan was made responsible for Kashmir communications, as well as defense and foreign affairs.<sup>4</sup> This agreement, Pakistan claims, had never been repudiated and therefore was a bar to the subsequent accession of the State to India.

Thus pleading the invalidity of the Maharaja's accession, Pakistan maintains that the dispute should only be resolved through an impartial plebiscite because the said accession was meant to be "purely provisional and temporary until such time as the will of the people could be ascertained through a referendum"<sup>5</sup>. This was reiterated by the Government of India vide their White Paper of 1948, along with a special proviso to the Instrument of Accession in which the promise to hold a referendum was addressed, in Mr. Nehru's own words, "not only to the people of Kashmir but to the world".<sup>6</sup> The promise was emphatically repeated from national and international platforms and was successively renewed in the Indian Prime Minister's communications on Kashmir with the Prime Minister of Pakistan.<sup>7</sup> Thus India, the Pakistanis stress, is wrong in suggesting that she never gave any international commitment regarding the holding of a plebiscite.

As regards the Indian allegations that the holding of plebiscite was made impossible by Pakistan's refusal to withdraw her troops from Azad Kashmir, the Pakistanis point out that they have always advocated a mutual withdrawal or reduction of troops on both sides of the then cease-fire and now LOC (Line of Control).<sup>8</sup> An obvious *sine qua non*-for a genuinely impartial plebiscite, the Pakistani stand on the matter was indeed endorsed by the various United Nations mediators on Kashmir.<sup>9</sup>

Pakistan was not alone in dismissing India's claim that she has already redeemed her promise to the people of Kashmir who were allowed to express their opinion through an elected Assembly. For it is generally recognized that the Kashmiris will could not be reliably ascertained in a 'controlled' election in which 75 seats were contested by 75 candidates, all nominated by the ruling Jammu and Kashmir National Conference,\* which was openly pro-India. Not

surprisingly' in a resolution on 30 March' 1951, -the Security Council affirmed that the convening of this Assembly and any action that the Assembly might take to determine the future of the entire State or any part thereto would not be in accordance with the principles already agreed upon-namely, that the will of the people was to be expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations. It was further confirmed by the UN Security Council resolution of 24<sup>th</sup> Jan. 1957 that 'the final disposition of the state will be in accordance with the will of the people expressed through the democratic method of free and impartial plebiscite conducted under the auspices of the United Nations.'<sup>10</sup>

Cognizant of the dangerous consequences of free plebiscite, India began to inject all kinds of hurdles with the objective of delaying the holding of the plebiscite. Contiguous to Pakistan geographically, socially and ethnically, Kashmir had, at the time, a Muslim majority of nearly eighty per cent. It was expected that the people of Kashmir would opt for Pakistan. Hence India's determination not to allow the holding of the plebiscite.

Apart from her fear of its more or less predictable outcome, plebiscite was and still is also unacceptable to India for a number of other reasons. To allow Kashmir to secede could prove to be the first fatal step towards the 'Balkanisation' of India. It would serve as a remarkable morale-booster for many other freedom movements including the Naga and the Mizo people, who would fully exploit the precedent of Kashmir to strengthen their own aspirations for separation from the Indian Union. Again, solely attributable to the presence of a large Muslim preponderance in the State, plebiscite would inevitably inflame the communal situation in the rest of India, where millions of innocent and peaceful Muslims would find themselves exposed to serious suffering and victimization. Such a revival of the Hindu-Muslim antagonism India could not tolerate in the interest of her secularism, which, the Indians emphasise, was the only viable system for their country.

Many Pakistanis do not accept the argument that Kashmir's secession would endanger India's solidarity and secularism. Unlike

the Kashmiris who can rely on Pakistan's continued support of their cause, the Nagas and the Mizos cannot hope to get any tangible, help from outside. Not to speak of actually assisting them in their struggle for their rights, few governments have bothered even to comment on their sufferings, which they have repeatedly experienced as a result of India's ruthless punitive operations. It is therefore highly doubtful that Kashmir's separation from India would bring the Naga and the Mizo aspirations any closer to realization. As regards the contention that the holding of a plebiscite in Kashmir would revive the Hindu Muslim animosity and rioting in India, one cannot but dismiss it with indignation. The communal riots with Muslims as their prime victims have already become a regular feature in the post-partition India. The latest communal riots took place in the state of Gujarat in 2002 in which reportedly more than 2000 Muslims were killed. Incredible though it may sound, the Indian Muslims only respite from riots came during the 1965 India-Pakistan War over Kashmir.<sup>11</sup>

As regards the argument that accession of Kashmir was essential for the preservation of India's secular character, many Pakistanis curtly dismiss this argument on the grounds that heavy reliance on the retention of Kashmir makes the concept of secularism look extremely weak which, they believe, is not at all true. Many Indians proudly claim that their country is secular which derives its strength from the constitutional articles rather than from the forcible retention of Kashmir.<sup>12</sup> Admittedly the word secular was inserted in the preamble of the Indian constitution after the 42<sup>nd</sup> amendment in 1976, the concept in fact derived support from many of the constitutional articles which were part of the constitution right from its birth.

## II

**Internationalization of the Dispute:** Compared to India, Pakistan has been extremely consistent in its Kashmir Policy. With the passage of time and with the advent of developments of even lesser significance, India has changed its tactics. For both sides Kashmir dispute is a complex issue that has exercised overwhelming influence over their policies since partition. For India Kashmir is a

Muslim majority state whose ruler opted to accede to India. India does not apply the same principle to Junagadh whose ruler opted to accede to Pakistan but India forcibly occupied the state. The current intensity of freedom struggle of the Kashmiris is termed as Pakistani inspired pursuit rather than acknowledging it as a genuine expression of Kashmiris desire for self-determination. For Pakistan Kashmir has become a symbol of Indian highhandedness and broken pledges. All Pakistan wants and insists is that Kashmiris are allowed to exercise their right of self determination under a UN supervised plebiscite in accordance with the resolutions of August 13, 1948 and January 5, 1949. The present uprising is viewed as the expression of extreme discontentment of the Kashmiris and renewed assertion to secure their legitimate right of self-determination. Pakistan's main emphasis is to ascertain the wishes of the Kashmiris.

Indian interpretation of the current intensification of freedom struggle is that it has been externally fuelled - more specifically they tend to place the blame on Pakistan. It is intriguing that most Pakistanis and Azad Kashmiri leaders accuse the Pakistani leadership, for not doing even the basic minimum in the area of supplying weapons or even providing the training whereas the Indians tend to over credit the Pakistanis. Apart from few groups based in Pakistan which do not enjoy any electoral support, neither the Government nor the political parties are indulging in this type of pursuits. However it is encouraging and it needs to be mentioned here that almost all political parties are unanimous in extending their political, diplomatic and moral support to Kashmiris freedom struggle.

Compared to India, which has systematically eroded the special status, it gave to the State of J&K under Article 370 of the Indian Constitution, Pakistan did not absorb either the Northern Areas or the Azad Kashmir despite the fact that Supreme Court of Pakistan in its verdict of May 1999 stressed that Northern area must be fully integrated into Pakistan.<sup>13</sup> Determined not to allow Kashmir's possible accession to Pakistan and to retain it as a part of the Indian Union, India undertook series of well calculated moves to initially erode the special status of J&K and then merge the state completely into the Indian Union.<sup>14</sup> British surrender of their

impartial role in partition processes facilitated the Indians to gain the necessary foothold, initially.

Over the last 16 years Pakistan has successfully managed to internationalize the Kashmir dispute. A three pronged approach adopted by Pakistan facilitated the process of internationalization. To begin with, Pakistan allowed the local as well as the international press including the Indian media to cover the consequences of the crisis on this side of the LOC. All interested visitors and human right activists are allowed to visit AJK and talk to the unfortunate victims of the crisis. The second aspect of this approach consisted of Pakistani government's efforts to place the dispute before a number of international organizations including NAM, OIC, UNCHR etc. The third aspect was to send delegations consisting of parliamentarians and journalists to various countries with a view to educate those governments. The establishment of Kashmir Committee was another development, which did contribute enormously towards Pakistan's Kashmir Policy.

Five other factors somewhat inadvertently facilitated the process of internationalization of the dispute. First, many research organizations, foundations, institutes and universities all over the world began to hold seminars and conferences on the Kashmir crisis. Second, many Kashmiris living outside South Asia began to step up their efforts to educate the public in those countries. Third, many marches were organized to cross the LOC over the last 16 years which, in turn, accelerated the process of internationalization. Fourth, the negative attitude of the Indians government with regard to open Kashmir for international journalists and representatives of various human rights groups further facilitated the process of internationalization of the dispute. Five and perhaps the important was inadvertent internationalization of the dispute by the acquisition of nuclear weapon status by both Indian and Pakistan.

Compared to Pakistan's successful pursuit of internationalization of the dispute, India tried to paint Pakistani pursuits as efforts directed to highlight the Islamic character of the dispute. Indeed these were crude attempts to divert the attention from the real issues. The employment of terms like international

Islamic Mujahideen tended to generate the impression that some kind of Islamic conspiracy exists which is continuously working against the established order.

There exist two sets of approaches. One consists of military and political approaches and the other entails bilateral and multilateral routes. The Kashmir dispute is essentially a political dispute requiring a political approach if the parties involved are genuinely interested in resolving it. Until the advent of current peace process India opted to employ a military approach. While the freedom fighters claim that they have been compelled to take up arms by the state government's and India's policies, the Indian government opted for military approach right from the outset of the crisis. Not only Kashmir had remained under Governor's/President's rule for quite sometimes, half hearted attempts to introduce political approach were made periodically. Whenever Indian efforts to employ political approach failed, they immediately accused Pakistan rather than looking inward.

The government of Pakistan frequently expressed its willingness for a dialogue focused on Kashmir exclusively, the Kashmiri umbrella organization APHC also repeatedly expressed its willingness to talk to the Indian government but India's negativism effectively impeded any progress in this direction so far.

### III

**Prelude to the Peace Process:** The thaw in attitudes began to be registered when the Hizb-ul-Mujahideen offered to observe cease-fire in July 2001.<sup>15</sup> Although the cease fire offer was soon withdrawn because of lack of positive response from India, but many in Pakistan were expecting that India would respond in some manner at a time of its own choosing. The Ramadan cease-fire offer by Vajpayee confirmed what many in Pakistan had already anticipated. The quick and positive response by Pakistan began to strengthen the perceived thaw in relationships. From then onwards many positive moves created an atmosphere that enabled the Indian Prime Minister to extend an invitation to Pakistani leader to visit India.



In response to Vajpayee's offer to observe ceasefire during the holy month of Ramadhan, the government of Pakistan announced maximum restraint.<sup>16</sup> Following Pakistani good gesture, Vajpayee extended the ceasefire which was followed by a Pakistani announcement to withdraw some troops from the LOC. These positive gestures eventually led to Indian invitation to President Musharraf for Agra Summit in July 2001. It would not be too far fetched to assume that a combination of external pressures and internal dynamics must have influenced the Indian leadership to extend the invitation. From a total disregard for the incumbent Pakistani regime to inviting Gen. Musharraf to visit India in order to discuss all the outstanding disputes and issues indeed reflected a major policy shift which ended two years freeze in high level contacts.

While most of the debates revolved around inconclusive end of the Summit, it is somewhat imperative to recognize that the Agra Summit enabled both parties to fully comprehend each others sensitivities and limitations.<sup>17</sup> If a Summit were to be judged from its lack of joint statement or communiqué or declaration, then this Summit would indeed fall into the category of failed Summits. However it raised many pertinent questions for future. Would the recently initiated dialogue continue? Would the Indian Prime Minister go to Pakistan soon? Would the expected Summit in Pakistan produce an agreement? Would there be a new framework for dialogue? Would the two leaders pick up the thread from where they left at Agra? Was Agra another of India's delaying tactics?

Another way to assess the Summit is to examine the statement of the main actors involved. Both the leaders and their foreign ministers had expressed statements generating the impression that talks were discontinued only to be resumed at the next round. They seemed to be engaged in highlighting the consensus aspect and underplayed the impediments. Not only they had refused to accept it as a failed Summit but also expressed hopes and determination that talks would soon be continued. One factor lending strong support is that during the Agra talks the Pakistan President extended invitation to the India Prime Minister

to visit Pakistan and the invitation was promptly accepted. In addition, the Indian Prime Minister had not only expressed his determination to go to Pakistan but had also managed to win support from his own cabinet and other political parties for this trip. In addition, the leadership appeared to be conscious of the fact that the international community is watching closely and expects that the talks would keep moving forward.

The period following the inconclusive Agra Summit saw rapid deterioration of relations. On 13<sup>th</sup> Dec. 2001, an attack on Indian Parliament took place.<sup>18</sup> The Indian government blamed the Pakistan based groups for launching this attack.<sup>19</sup> While the attack on the Indian Parliament was condemned in no uncertain words by the Pakistani President, the Indian leadership quickly not only decided in their own wisdom to put the blame on Pakistani based groups but also issued a demarche demanding to freeze their assets, halt their activities and arrests their leaders. In response Pakistan merely asked for evidence and suggested joint inquiry. The Indians not only rejected the idea of joint inquiry but also to refused to provide any piece of evidence which, for obvious reasons invoked strong suspicions about Indian intentions.

No one in Pakistan had really justified an attack on the Indian parliament. Almost every one condemned the attack. Even those who were blamed for this act vehemently denied the accusation. Compared to Pakistani sane and rational responses, the Indians decided to opt for an irrational approach and began to churn out irresponsible and provocative statements. Perhaps the most ludicrous statement was in which it was claimed that the attack was meant to eliminate the entire leadership of India. What would Pakistan gain from such an act? Why should Pakistan indulge in such a reprehensible act?

Following the tragic event of Dec.13, all that Pakistan has asked from India is to provide evidence.<sup>20</sup> India refused to do so. One can understand the compulsions influencing the Indian decision makers not to provide evidence to the Pakistanis, but they could provide the evidence to UK or US or to some other impartial entity. Instead the Indian began to raise the tension by making

belligerent speeches. The Pakistanis also advanced a proposal for Joint probe which India rejected.<sup>21</sup> The offer of allowing FBI to conduct inquiry of the incident was curtly rejected by the Indians. However the Indian response to this attack was to move massive number of troops to Pakistan's border. The Pakistanis also responded in somewhat similar manners. The situation of troop's confrontation continued till Oct 2002. In Oct India decided to withdraw troops from borders which were quickly followed by Pakistani withdrawal.

On April 18, 2003 Prime Minister Vajpayee made his offer to talk to Pakistan in Srinagar.<sup>22</sup> Vajpayee's latest offer of a dialogue with Pakistan was not only generally welcomed by almost all the peace lovers but had also raised hopes of early resumption of dialogue between India and Pakistan. However many Pakistanis could not just overlook the irresponsible and somewhat provocative statements made by some BJP cabinet members intermittently. In fact such statements began to inject doubts in their minds. Nevertheless the majority remained optimistic and began to look forward towards anticipated positive moves from both sides.

This offer was followed by appointing High Commissioners by both India and Pakistan as the High Commissioners were recalled during the period of tension (2001-2002). Later an offer was made thereafter to increase the staff strength in the respective High Commissions. The next major step revolved around how to restore transportation and communication links. After intense negotiations the two sides managed to restore air, rail and bus links. The process of normalization was facilitated by the visits of many delegations from both sides which included parliamentarians, journalists, academics, women, labor leaders, students, businessmen etc. These steps not only succeeded in recreating the situation that existed before the attack on the Indian Parliament and the border confrontation crisis but also generated enormous goodwill. The atmosphere rapidly improved. Apart from minor setbacks, the normalization process continued to make impressive strides

It needs to be mentioned here that Prime Minister Jamali's proposal in November 2003 to establish a ceasefire along the LOC, and his banning of three militant outfits in Pakistan further

strengthened the peace process.<sup>23</sup> The ceasefire was further extended to the Siachen glacier which is still holding up. Not only transportation and communication links were restored, but sports teams began to visit each other's country. The cricket matches played by the Indian team in Pakistan were of special significance because they led to a large flow of ordinary citizens from India to witness them and established warm personal ties between the citizens of both countries.

The CBM proposals made by both India and Pakistan must be viewed against this backdrop of steadily improving bilateral relations despite occasional backsliding. These proposals and counter-proposals could be divided into three subsets. First, those that, being unexceptional, could be implemented forthwith like restoration of sporting ties, establishment of hotlines, allowing old people to cross the border on foot; these have been implemented. Second, those requiring further negotiations to work out the technical issues involved, like suggestions to establish and expand road and rail links, ferry services and more visas issuing centers that are currently under discussion. And, third, others designed to facilitate the other party by providing advanced information such as missile tests notification.

The dialogue on CBMs was further encouraged by both countries agreeing, during the SAARC Summit held in Islamabad in January 2004, to commence the process of the composite dialogue that will lead to peaceful settlement of all bilateral issues, including Jammu and Kashmir to the satisfaction of both sides. The year 2004 started with two momentous developments; the successful conclusion of 12<sup>th</sup> SAARC and a Joint statement by President Musharraf and Prime Minister Vajpayee.

The 12<sup>th</sup> SAARC summit opened in an atmosphere of amity and cordiality in Jan.2004. The Summit approved and heads of government agreed to sign agreements on Social Charter, South Asian Free Trade Area (SAFTA) and Additional Protocol to the Convention of the Suppression of terrorism.<sup>24</sup> According to the principle included in the Social Charter, the state parties agree to place the people at the center of development and direct their economies to meet human needs more effectively. SAFTA is an

initial step in the evolution of SAARC trade bloc and economic union. Removal of strong trade barriers to intra-regional trade would lead to expansion of intra-regional trade. SAFTA could also help in evolving horizontal specialization across the region to enable the most optimal utilization of the synergies

Protocol on Terrorism mainly focused on plugging the financial sources. Funding terrorist organization or terrorist was made a punishable offence.

According to Joint Statement both leaders welcomed the recent steps towards normalization of relations between the two countries and expressed the hope that the positive trends set by the CBMs would be consolidated. Prime Minister Vajpayee said that in order to forward and sustains the dialogue process, violence, hostility and terrorism must be prevented.<sup>25</sup> President Musharraf reassured Prime Minister Vajpayee that he would not permit any territory under Pakistan's control to be used to support terrorism in any manner. President Musharraf emphasized that a sustained and productive dialogue addressing all issues would lead to positive results'. Both agreed to the holding of composite dialogue in Feb.2004.

**Peace Process: The First Round:** Leaders of both countries expressed strong support for the process that began with 12<sup>th</sup> SAARC Summit. Vajpayee expressed at Hyderabad that he saw a new Chapter in Indo-Pak relations. Jamali anticipated a major breakthrough because of the encouraging and positive developments. In a subsequent meeting held in February 2004 between the two Foreign Secretaries it was agreed that the composite dialogue, that traces its ancestry back to 1997, would be resumed at various official levels in May/June 2004.

Given the significance of nuclear related issues and Foreign Secretary meeting in Feb. 2004 decided the procedural aspects of the composite dialogue.<sup>26</sup> Cognizant of approaching Indian elections the initiation of a dialogue was postponed till after the elections. The Indian elections produced unexpected results which brought Congress coalition government in power. This of course implied that

new team has to be installed. Because of the change in government the initial dates for meeting were slightly advanced.

In June Indo-Pak meeting on nuclear related issues was successfully held. Although the seven point communiqué included some points that were already agreed upon in Lahore MoU such as continuation of bilateral consultations on security and non-proliferations issues, the agreed clauses could be divided into three broad categories.<sup>27</sup> The first category can be described as consultative and discussion orientated measures. The expression on intent to have a continuous dialogue on nuclear and security related issues indicate the determination of the two sides to maintain the much-desired continuity of dialogue.

Both countries agreed for regular working level meetings to be held among all the nuclear powers to discuss issues of common concern.

The second group of announced measures can be termed as communication measures. The announcement to upgrade the existing hotline between the two Director-Generals of Military Operations (DGMOs) along with the introduction of another hotline between the Foreign Secretaries was indeed a very welcome development. The third set of announced measures included working towards an agreement with technical parameters on pre-notification of flight testing of missiles and reaffirming the moratorium on conducting further nuclear explosions.

Undoubtedly the most important aspect of the composite dialogue revolves around the ongoing Kashmir dispute. A detailed exchange of views on the ongoing Kashmir dispute took place on June 27-28 (2004) and the two foreign secretaries agreed to continue with their 'sustained and serious' dialogue to find a feasible and final solution.<sup>28</sup> Not only the talks were held in a very constructive and positive atmosphere but also both sides expressed their satisfaction with the progress of the dialogue process. This was the first time since Jan.1994 that the Kashmir dispute was subjected to a serious dialogue.

Reportedly the Indians proposed that the Line of Control (LOC) be converted into a line of peace and tranquility and the ceasefire that has been in place for the last seven months be further strengthened. Pakistan, on the other hand, stressed the need for a plebiscite in Kashmir. In addition, not only the Pakistanis referred to the incumbent tranquility that has been in place especially along the LOC for quite sometimes but they also referred to the fencing of large portion of LOC as 'illegal'. The Indian team's reference to the existence of training camps for terrorists on Pakistani territory was politely dismissed.

The next round of talks focused on Tulbul Navigation Project or Wullar Barrage: an issue that in fact has already been settled if viewed within the context of Indus Waters treaty.<sup>29</sup> Pakistan believes that the project is a violation of the Indus Treaty whereas the Indians think otherwise. While India wants to release the water from the barrage in winter when Pakistan is short of water whereas the Pakistan wants day to day water releases which is its right under the existing Indus Water Treaty. Pakistan also reiterated its position that no increase should be made in the height of dam and it should remain at the point at which it was suspended in 1987. While the two sides were unable to reach an agreement over the 20 years old dispute but the joint statement that was issued at the end of talks stressed that the talks were held in a cordial and constructive atmosphere and both sides not just reaffirmed their commitments to the Indus Waters Treaty but also expressed agreement to continue the dialogue in the next round.

The talks on Water were followed by the meeting of culture secretaries of India and Pakistan with a view to explore possibilities to improve and encourage people to people contacts.<sup>30</sup> Many constructive proposals dealing with relaxing visa policies, increasing cultural exchanges, release civilian prisoners and fishermen, increasing the number of visitor to religious places, promoting tourism and starting group tours, removing ban on TV channels, cooperation among libraries, participating in book fairs, holding joint seminars, closer interactions between the educational institutions, collaboration in archaeological field, promoting film festivals etc. were tabled and discussed.

The joint statement that was issued at the end of meeting of the culture secretaries expressed complete satisfaction over the outcomes of the talks. While proposals dealing with exchanges and cooperation in the field of art, culture, education, archaeology, science, technology, youth affairs, sports, media, tourism were tabled but details of cooperative mechanism was not worked out at the time. As is often said that the demon is in the details, it may not be all that easy to work out smoothly a detailed implementation mechanism. However since both sides demonstrated much interest in increasing people to people contacts and if they maintain this level of interests that even the devil in details may not be able to impede the process effectively.

The talks on Siachin and Sir Creek were held on fifth and sixth August. In regard to the Siachen dispute, for instance, a withdrawal of troops from their forward positions was agreed in 1989 but it was not implemented because of the likely political cost. The issue in contention was whether the current position of the Indian and Pakistani troops should be recorded in maps and or on the ground before their withdrawal is effected. India argues that, unless the ground situation is demarcated, this territory could be seized by Pakistan, whereas the latter holds that demarcation would legitimize India's 'illegal' seizure of this territory in violation of the Simla Agreement. Although the defense secretaries wrapped up talks on Siachin with the resolve to pursue an agreement over Siachin glacier but the first round could not produce an agreed formula.<sup>31</sup>

The talks over Sir Creek were also held on the same dates as were the Siachin talks. The talks on Sir Creek quickly flopped and failed to yield any concrete results. Both sides continued to maintain and argue for their respective positions. India says that the boundary lies in the middle of the 60 kilometers estuary whereas Pakistan stressed that boundary lies on the eastern bank of the creek. Not only the area is considered strategically important and involves lot of area in term of maritime boundaries but it is also believed to have large deposits of oil and gas. However the two sides agreed to continue their discussions.



The talks on drugs and terrorism were held on 10<sup>th</sup> and 11<sup>th</sup> August. The fate of these talks was not radically different than those of earlier talks. While there were no major differences on how to check drugs trafficking, the issue of terrorism defied an agreement on definitional aspect of terrorism. Not only both sides assessed the meeting as positive but also expressed their determination to combat terrorism and emphasized the need to complete erosion of this menace.

However it needs to be mentioned the Indian sides did not miss the opportunity to once again allege the increase in cross border terrorism in Indian held Kashmir. They stated that Pakistan was not taking long term measures for its complete elimination. Pakistan of course categorically denied and stressed that not only a strict policy was formulated at the top but the government has insured that no one is allowed or able to cross LOC. The Indians were also reminded that their own military commanders had publicly stated that infiltration had gone down substantially.

Finally the trade talks were held on 11<sup>th</sup> and 12<sup>th</sup> August. Reportedly the official sources indicated that both sides discussed a wide range of proposals on promotion of bilateral trade, economic and commercial cooperation. Indian also once again reiterated that Pakistan should accord it the most favored nation status (MFN). To which Pakistan responded that it is willing to consider MFN status for India if good progress is made on broader front of conflict resolution talks between the two countries.<sup>32</sup> At the end of meeting it was once again stated that the discussions were held in a frank and cordial atmosphere.

In the foreign ministers meeting on Sept 5-6 the two sides once again reiterated that they are ready to discuss all issues and good relations are in the interest of both countries.<sup>33</sup> A joint statement stressed that the two ministers reviewed the recommendation of the foreign secretaries and assessed the positively the results of the first round of composite dialogue. While differing sharply on issues of Kashmir and cross border infiltration, they agreed on nine relatively less important points.

The 59<sup>th</sup> UN General Assembly saw both Indian and Pakistani leaders scrupulously avoiding posturing and hurling accusations. Both reflected a very high level of maturity.

The two leaders met on 24<sup>th</sup> Sept. 2004 and discussed issues in a constructive and frank spirit. The two leaders reiterated their commitment to continue the bilateral dialogue to restore normalcy and cooperation between India and Pakistan.<sup>34</sup> They agreed to implement the CBMs keeping in mind the practical possibilities. They also addressed Kashmir dispute and agreed that possible options for peaceful, negotiated settlement is the issue that should be explored in a sincere and purposeful manner. The discussion also touched on a proposed 3.5 billion dollar pipeline designed to transfer gas from Iran to India through Pakistan.

In Oct. 2004 President Musharraf suggested a formula with a view to have a debate on Kashmir's options initiated. This was not the first time that the President had talked about the Kashmir dispute. In fact he has been very consistent in putting ideas with the specific aim to secure a solution of the most complex dispute confronting India and Pakistan.

The Musharrafs proposal reflected both a desire to end the sufferings of the people of Kashmir and to secure a solution along with demonstrating the political will to support a process aimed to find an acceptable solution. His earlier four point formula contained four stages; the recognition of Kashmir as a dispute, the initiation of a dialogue, shedding of unacceptable solutions and securing a win-win situation.<sup>35</sup> The first two stages of his formula have already been attained and the current focus is on the third stage which is probably the most complex and difficult one. According to the Musharraf formula there are seven regions of Kashmir, two of which are in Pakistan and five are in India. What the formula stressed was to identify the region, to seek demilitarization of identified region and to change the status. Perhaps the most important aspect of the President's speech was that a debate regarding the possible solution must begin within Pakistan. His address appeared to have been aimed at attaining some form of consensus through a debate in order to enable Pakistan to move forward.

The initial reaction to the formula appeared to be fairly positive. Many Kashmiri leaders including leaders from the APHC extended both open but cautious support. However the Indian response to President Musharraf's proposed formula was somewhat cool. According to the official spokesman of the Indian External Affairs ministry that ideas on Kashmir should not come through media. Since Kashmir is one of the subjects of comprehensive dialogue process, such ideas should be mooted through official channels.

A subsequent statement by the Prime Minister Manmohan Singh that he was opposed to any redrawing of the Kashmir map tended to dampen all efforts. He had proposed to consider pre 1953 autonomy. Following the Prime Ministers statement, the Indian Foreign Minister stressed that regional autonomy could be a solution to the Kashmir dispute. Not only this stance did not seem all too far away from the standard Indian position but it had already been repeatedly rejected by the Kashmiri themselves. Besides this was not the first time that the autonomy offer had been made and promptly rejected. Prior to the intensification of the freedom struggle during the late eighties and early nineties, autonomy offer was made frequently but the Kashmiris repeatedly rejected it.

All these signals clearly reflected Indian intransigence. The argument became even stronger when the Indian position was assessed in conjunction with Pakistan's position. The Pakistani President, Prime Minister and other leaders have categorically and consistently rejected the LOC (Line of Control) as the permanent border. While Pakistan has repeatedly demonstrated flexibility in terms of approaches and solutions, the Indians stance appear to make the entire exercise as futile and its extremely negative attitude merely reflects hardened intransigent.

Ostensibly the Indian leadership has been demonstrating its desire to resolve the Kashmir dispute in statements that are periodically issued but when it comes to suggesting new feasible solutions, the Indians so far have offered nothing. All their suggestions are designed either to refashion the internal governance

of Indian occupied Kashmir or to maintain the status quo in one form or the other.

Prime Minister Shaukat Aziz visited India in his capacity as the Chairman of SAARC and during his visit he had detailed discussions with not just the Indian leaders but also with the Kashmiri leaderships. While emphasizing that he wanted progress on all issues, he specifically highlighted the significance and importance of Kashmir's resolution. He made it clear that while he wanted good and friendly relations with India, but not at the cost of core dispute of Jammu and Kashmir.

**Peace Process, the Second Round:** The second round of the peace process also started with talks on nuclear related matters but this time the talks ended without any tangible outcome despite exhaustive negotiations on formalizing an agreement on pre-notification of missile flight testing. Apparently India wanted the agreement to be confined only to ballistic surface to surface missiles whereas Pakistan wanted to include all types of missiles including the cruise missile. Another point of difference that had been reported in the media was the number of days for advance notification. However later negotiations did produce an agreement covering the ballistic missiles in Oct 2005.

As far as the other contentious issues were concerned, not much progress was witnessed. On Sir Creek issue both India and Pakistan agreed to conduct a joint survey of the boundary pillars and submit a joint report. Similarly the negotiations on Siachin also did not produce any result. Despite the advent of the peace process and vastly improved atmosphere the trade still continues to remain at unimpressive level. Admittedly ever since the peace process started the trading interaction increased but it still continues to be far way from a satisfactory level.

The two Foreign Secretaries once again met in late December 2004 and reviewed the whole process. The talks ended without any breakthrough but the two sides stated that they had narrowed down the differences on missile tests notification and agreed upon rough agenda for next round of composite dialogue.

The two sides remained poles apart on the Kashmir dispute. Thus a year that started with optimism when SAARC's 12<sup>th</sup> Summit was successfully held with agreements on Social Charter, SAFTA and Additional Protocol on Terrorism and a Joint Statement issued by the leaders, ended on a pessimistic note as no progress was reported on the core issue of Jammu and Kashmir.

Four other significant developments which were not part of negotiation baskets but they have direct bearing Indo-Pak relations and the situation in Kashmir needs to be mentioned here. Among them are issues of Baglihar dam, the bus service between Srinagar and Muzafferabad, the pipeline diplomacy and the sale of F-16. The construction on the Baglihar dam project on the river Chenab started in 1999 though it was conceived and approved much earlier. In order to quickly complete the project the Indians have currently employed several hundreds of engineers and the laborers. The reports indicated that they have hired the services of many more individuals to speed up the construction work with ostensible aim of confronting Pakistan with a fait accompli. Following the failure of talks, the case was referred to World Bank. The Bank appointed an experts who had visited the area and have listened to both sides. It is expected that he would soon give his verdict.

Compared to Foreign Secretaries meeting, Foreign Minister's meeting in Feb. 2005 was far more encouraging when they announced agreement to allow travel between Srinagar and Muzaffarabad by bus. The passenger would be crossing the LOC with entry permits.

The two countries also agreed that those traveling by this route would only be Kashmiris, Pakistanis and Indians and no third country's citizen could use this bus service. The two countries agreed to start a bus service between Srinagar and Muzaferrabad from 7<sup>th</sup> April after having long periods of discussions.

To meet increasing energy requirements, both India and Pakistan are engaged in procuring more and more sources of energy. A \$4 billion dollar project is being seriously considered to bring Iranian gas to India via Pakistan. As the pipeline has to pass through

the Pakistani territories, India was concerned about the security and the uninterrupted flow of the gas and therefore sought guarantees from the Iranians. Not only the negotiations to remove Indian apprehensions and to maintain uninterrupted flow from Iran is being discussed but reports also indicate that significant progress has been made.

Another issue that created some kind of fervor was the Washington's nod to sell F-16 to Pakistan. The Indian authorities expressed disappointment over American decision. The main source of disappointment was the ambiguous attitude of the American official over the issue of F-16's supply to Pakistan. The impression generated was that the supply of few F-16 to Pakistan was somewhat linked with a nod from India. However latter the American administers announced its decision to sell the F-16 to Pakistan. It needs to be mentioned that simultaneously the Americans also announced to sell F-16 to India as well.

With each round of talks the atmosphere has been constantly improving. These talks were held and incorporated discussions on peace and security, including confidence-building measures and Kashmir. At the end of each round a cautiously worded communiqués is issued describing these talks were as "friendly," "frank and candid," held in a "cordial and constructive atmosphere," and "in the spirit of goodwill and cooperation". However, the important fact is that the people on both sides appeared to be extremely enthusiastic to sustain this dialogue process, negotiate these disputes and emplace CBMs.

#### IV

**Recent Developments:** Since the initiation of the ongoing peace process, hopes were raised for early resolution of the complex Kashmir dispute. It was expected that both sides move beyond the strategies that they have pursued for the last so many decades. It appears that the Pakistanis have moved away from the past policy pursuits but India seemed to have stuck to its policy of zero sum game.

In the month of June 2005 the APHC leaders visited both AJK and Pakistan. During their two weeks visit they had opportunities to exchange views with leadership both in AJK and Pakistan. They also conferred with Hizb-ul Mujahideen leader Syed Salahuddin.<sup>36</sup> While the visit was generally seen as a great confidence building measure, the Indian Prime Minister did not hesitate to accuse Pakistan of violating an understanding by allowing Kashmiri leaders to travel beyond AJK.<sup>37</sup> However the Pakistanis on the other hand denied that there was any such understanding.<sup>38</sup> Since the Pakistani leadership had extended the invitation, it was only logical to assume that the APHC leadership would visit Pakistan.

The visit highlighted the need to involve the Kashmiris in future talks over the Kashmir dispute. The Pakistani leadership once again stressed that Kashmiris have to be inducted in the parleys, Mirwaiz Omar Farooq put forward the idea of triangular talks if tripartite parleys were not acceptable to India.<sup>39</sup> However India continued to claim that Kashmir is a bilateral issue between India and Pakistan and refused to acknowledge the Kashmiris as a party to the dispute. For obvious reason, the recognition of the Kashmiris as a party would effect Indian claim over Kashmir as an integral part of India. It is willing to talk to the Kashmiris but within the framework of Indian constitution. Both the Pakistani and APHC leadership appears to have 'interpreted the Kashmiri leaders visit in terms of Indian acceptance of Kashmiris as party to the dispute and Kashmir as a disputed territory'.<sup>40</sup>

During the APHC leaders visit of AJK and Pakistan three ideas surfaced and were discussed openly. Among them were the concept of an independent Kashmir, the United States of Kashmir and a self governing Kashmir. As far as independent Kashmir is concerned one need not to go into details as it is only popular among certain section of the Kashmiris whereas neither India nor Pakistan favors it. The idea of United States of Kashmir was highlighted by APHC leader Omar Farooq identifying various regions with distinct identities and stressing that he would like to be a citizen of United States of Kashmir.<sup>41</sup> Speaking to journalists the Pakistani President referred to his vision of self governance for Kashmir.<sup>42</sup>

On return to Srinagar, the APHC leaders declared that they were ready for talks with the New Delhi but it was up to the Indian government to decide when to talk to them. The APHC leaders had already held two meetings with the Indian government in 2004 but the talks stalled when the Congress party won the election in 2004. They acknowledged the existence of positive signs reflecting the desires of both India and Pakistan to carry forward the peace process and resolving the disputes.<sup>43</sup> However it needs to be mentioned here that while the APHC leaders were hopeful that APHC might find a place in Indo-Pak dialogue, the Indian minister of state for Home affairs categorically stressed that Hurriyat has no place in India-Pakistan dialogue process.<sup>44</sup>

In early September the APHC leaders met the Indian Prime Minister. This was the first high level meeting of the APHC leadership with the Congress Prime Minister. Although great importance was attached to the meeting but most Kashmiris were not very optimistic about the likely outcome. The Kashmiri wanted a cease fire by Indian forces, troop's withdrawal, release of political prisoners and an end to continuous human rights violations. Cognizance of ground situation the security authorities had made it quite clear that cease fire was not possible. Not only they had also 'ruled out withdrawal of troops to barracks but also stressed that security forces would need disturbed areas act, armed forces special powers act and other related laws to deal with what they called the extra-ordinary situation'.<sup>45</sup>

After the meeting a statement was issued by the prime minister's office stating that India will cut troop level in Kashmir if violence and infiltration stops.<sup>46</sup> The statement also stressed that it would review the 'cases of all those held under special preventive detention in Kashmir and take steps to safeguard against human rights violation'.<sup>47</sup>

Undoubtedly the most far reaching pledge was to withdraw troops from Kashmir. Most Kashmiri leaders have repeatedly expressed their anger in one form or the other over the continuous presence of such large number of Indian troops. The Indian government on the other hand have been consistently say that the



cession of violence and an end to infiltration would create conditions conducive to the reduction of troops in Kashmir. In an interview Mir Waiz Omar Farooq with a New Delhi based television station NDTV not only stated that 'there seems to be realization in Delhi that we need to have a solution in Kashmir, an honorable solution' but also stressed that 'it was definitely a very good beginning'.<sup>48</sup>

In the meantime the Indian Council of World Affairs and Panther Party organized 'Heart to Heart Talks' at New Delhi enabling the Kashmiri leaders from both sides of the LOC to meet and discuss ways and means to find a solution of the ongoing Kashmir dispute. The event was regarded as historic in which the leaders from AJK and IHK participated. At the end of two days conference, a Joint Statement was issued recommending review of Kashmiri prisoners who were detained for reason or the other particularly those who associated with freedom movement in Kashmir. It also urged Pakistan and India to reduce the level of deployment of military and paramilitary forces on both sides of Kashmir. In addition the Joint Statement urged all official and non official institution to extend cooperation in efforts designed to promote greater understanding and help the peace process to reach its logical conclusion.<sup>49</sup> Talks among the Kashmiri leaders were aimed to understand each others thinking. The main objective was to not just to facilitate the Indo-Pak dialogue to move forward but also to remove irritants and obstacles impeding the ongoing dialogue. The participants viewed the peace process as a very positive development and urged the both governments to seize the fleeting moment to resolve the vexed issue of Kashmir.

On 8<sup>th</sup> Oct. an earthquake of 7.6 magnitude struck South Asia. The devastating impact of the earthquake has opened the floodgates of humanitarian feelings not just among the Pakistanis but also in many countries including India. The earthquake devastated parts of frontier province in Pakistan and major portion of AJK along with parts of IHK. Almost every segment of South Asian societies was deeply moved and tried to make some contributions towards rescue and relief efforts with a view to console and ameliorate the situation for the victims. Undoubtedly those who had

lost their loved ones would require sometimes to reconcile with their losses but the demonstration of brotherly sympathetic feelings on such a high scale was certainly encouraging and a source of great satisfaction.

Four humanitarian suggestions, with a view to ameliorate the situation in AJK, were advanced. These suggestions included the request for helicopters, allowing the operation of direct phones, opening of LOC and opening of more routes. In view of the ongoing peace process between India and Pakistan, it is not surprising that humanitarian proposals were put forward especially in the wake of earthquake disaster. However each side appeared to be still constrained by its own considerations that are the product of past behavior.

The positive gesture of the opening of LOC was generally welcomed by all concerned. Both the Indian as well as the Pakistani governments expressed their willingness to open the LOC but both were cautious to work out modalities in such a way that their interests were well safeguarded. Admittedly the bus service from Muzafferabad to Srinagar had already established a good link between the people of AJK and IHK but given the desperate situation caused by the advent of the earthquake and the accumulated anxiety among the Kashmiris, the opening of LOC was viewed as a panacea that could lessen the sufferings of the Kashmiris.

The earthquake ostensibly seemed to have invoked strong sympathetic responses on both sides of the LOC which is also indicative of the closeness the people of Kashmir have for each other. It has also been highlighted frequently by both the Kashmiri leadership as well as the Pakistanis that under no circumstances the LOC would be acceptable as the international border. The quest for the welfare of the Kashmiris on both sides of the LOC clearly reflected their desire to live together. In some strange way this massive tragedy has also provided a chance to both countries to further strengthen their cooperation in terms of working jointly towards lessening the miseries of the Kashmiris.<sup>50</sup> After having thoroughly deliberated, both India and Pakistan agreed to open LOC

at five different points in order to help the quake victims and provide opportunities to divided families to find out about their plight. Both countries quickly worked a mechanism in which these five points were made operative.

Another development of far reaching consequence that took place was based in an idea that has been recently put forward once again by the Pakistani President who suggested the demilitarization of Kashmir. While the idea has been welcomed by many, the Indian response was not all that encouraging. Besides, an AJK based political party also opposed demilitarization on the grounds that it would hurt all those who had sacrificed so much for their right of self determination. Objectively speaking this is an idea worth exploring as this was real hurdle when the all the UN representatives on Kashmir (Dixon, Graham and Jarring) failed to secure agreement between India and Pakistan. While so much has happened, it seems an appropriate time to once again subject this idea to pave the way for eventual solution of the ongoing Kashmir dispute but Indians appear to have opted for a negative approach towards this proposal.<sup>51</sup>

Perhaps the most important idea that has surfaced recently is the notion of self governance. Speaking to journalists in Canberra President Musharraf referred to his vision of self governance for Kashmir. Recently the notion resurfaced along with the proposal for demilitarization. Reports published in newspapers indicated that self governance implies maximum autonomy for the people of Kashmir. In fact the Kashmiris are expected to enjoy similar kind of autonomy which they had enjoyed prior to 1953. The Indian government initially rejected the proposal on the grounds that the people of Kashmir are already enjoying the autonomy and democratic rights but recent reports indicate that the idea is seriously being discussed among the concerned officials as well as the non officials at the Track II level.<sup>52</sup>

Among the new ideas that have been surfacing recently, one has been put forward Mir Waiz Omar Farooq the Chairman of APHC who suggested the establishment of the United States of Kashmir which would involve all provinces of the disputed region.

Initially he talked about this idea when he was in Karachi during APHC leaders Pakistan visit. However he spelled out the idea in detail during a seminar organized by an Indian newspaper recently. Along with this idea he supported demilitarization and triangular dialogue. He also deplored the attempts to link the Kashmiris struggle to Islamic fundamentalism and stressed that the insurgency preceded the advent of what he called Afghan Arabs involvement.

The latest proposal that has been advanced in an interview to CNN-IBN new channel by President Musharraf revolves around what is called Joint Management Plan for the disputed region of Kashmir. The proposal, if implemented, could leave both India and Pakistan with reduced sovereignty over the territories they control at the moment.

While explaining the notion of joint management, the President reportedly stated that 'it would involve bringing both sides of the disputed region under a joint management scheme. This would guarantee self governance for Kashmir'. 'Joint management would be a solution which we need to go into', he further stressed. 'We need to have a system where the Kashmiris, the Pakistanis, the Indians are involved in monitoring the self governance that we evolve. There have to be subjects which are devolved, there have to be some subjects retained for joint management'.<sup>53</sup>

## V

### **Concluding Remarks:**

Four significant developments appeared to have transformed the attitudes of both the Indian and the Pakistanis from idealism to realism. Among these the most important development is the realization by both the Indians and the Pakistanis that they cannot militarily resolve the ongoing Kashmir dispute. Not only the global environment has radically changed but both India and Pakistan have acquired nuclear weapon capabilities. Both realize that neither can afford to embark upon military adventurism as it could lead to a total disaster. This, of course, implies that the only way out is to negotiate the dispute realistically.

Linked with this development is the increased interest demonstrated by the international community to reduce India-Pakistan tension. This is the second major development. The international community played a constructive role in preventing the anticipated India-Pakistan war during the period of troop's confrontation in 2002. The world leaders have been encouraging both India and Pakistan to continue the dialogue and resolve the thorny and complex Kashmir dispute. Similarly both India and Pakistan are fully cognizant of the vigilance maintained by the international community which in turn, is influencing both to not only continue the dialogue but also to make progress.

The third significant development is the incumbent ascendancy of economic forces. A military approach towards the conflict resolution could effectively hamper the envisaged economic progress. Both have realized that their people are not doomed to live in misery. Both economies are making steady progress. With the advent of WTO it is all the more imperative that tensions are reduced and a cooperative atmosphere is created.

The fourth important development is the initiation of a peace process between the two countries. Admittedly the progress so far witnessed falls far short of expectations of the Pakistanis and the Indians but one cannot afford to ignore the fact that both sides are making concerted efforts to reach the logical conclusion and a steady progress is being witnessed. To further strengthen the peace process the principles of flexibility and reciprocity needs to be given utmost importance.

It has been repeatedly stated by President Musharraf that in order to find an acceptable solution, the involved parties will have to move away from their rigid and hardened positions and opt for a flexible approach. Rigidity could only perpetuate the stalemate but flexibility could enable us to explore new options. However it needs to be stressed here that unilateral flexibility can only be demonstrated up to an extent and then it hits the stone wall if there is no positive response from the other side. The only thing which can sustain its course is reciprocity. Without reciprocity, unilateral flexibility would soon evaporate enabling rigidity to step in.

However even the flexibility demands that in order to start the process, an idea is floated which should be subjected to a debate. While one fully recognizes the merits of negotiations from a hardened position as one feels secure and safe, but to narrow the gap between the two hardened stances and to secure a desired solution one needs repeated injections of flexibility along with continuous demonstration of political will by the leaders.

The curt and quick rejection of any fresh idea without subjecting it to a thorough discussion not only reflects an unrealistic approach but also dampens efforts made towards the overall amelioration of the atmosphere. It is quite understandable that being a weak coalition government, the Indian ruling groups have to assess the implications of all those moves that emanate from Pakistani sources but quick rejection implies that the moves are not even subjected to discussions aimed at proper assessments. Admittedly some of these moves are not entirely new but there is no doubt that all of them deserve serious considerations.

Undoubtedly the changed environment appears to be conducive to the resolution of the Kashmir dispute but one should not overlook that all complex disputes require concerted and sincere efforts. All opportunities that have been produced of the new environment need to be explored and cashed upon in order to make South Asia a region of peace and tranquility.

#### **End Notes**

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1. Both scholars and officials in various parts of the world have frequently questioned the issue of legal position of accession and raised many intriguing questions that require academic investigation. Was Kashmir invaded before the signing of accession instrument? Did Maharaja put off the signing and permitted a reference to the instrument of accession? Did Maharaja ever sign the instrument of accession? For detailed discussion see Alastair Lamb *Birth of a Tragedy: Kashmir 1947* (Hertingfordbury, Hertfordshire, U.K.:Roxford Books, 1994) pp.81-103

2. See G.W. Chaudhury, *Pakistan's Relations with India 1947-1966* (London: Pall Mall Press, 1966), pp.68-75. Also see S.M. Burke, *Pakistan's Foreign Policy: An Historical Analysis* (Karachi: Oxford University Press, 1973)
3. Chauhan, B.R.; *Kashmir: its place in the Indian Union*. Distributed by the Indian High Commission, London, and p. 13. No Date.
4. Khan, M.M.R.: *The United Nations and Kashmir* (Djakarata: J.B. Walters'. Groningen, 1955), p. 84.
5. Sheikh Abdullah - "Kashmir, India and Pakistan" in *International Affairs* (R.I.I.A), April 1965, p. 529.
6. See the Indian Prime Minister's broadcast to the nation, (All India Radio, 2nd November, 1947).
7. See *India's Solemn Pledges on Kashmir*, Department of Film and Publication, Government, of Pakistan, 1965
8. The latest offer for mutual withdrawal of troops has been made by President Musharraf in the wake of the earthquake that hit both IJK and Azad Kashmir. For details see 'LOC opening and demilitarization' by Pervaiz Iqbal Cheema in *The Post*, Nov.8, 2005.
9. For details see Joseph Korbel: *Danger in Kashmir* (Princeton: Princeton University Press, 1966).
10. See Appendix VIII in *Kashmir Dispute: An International Law Perspective* by Ijaz Hussain, (Quaid-I-Azam University, Islamabad, 1998), p.263.
11. Myrdal, G.: *Asian Drama*, Vol. 1, (London: The Penguin Press, 1968), p. 256.
12. See 'The erosion of Indian secularism' in *The News*, March 17, 2002.
13. See the editorial of *Daily Times*, Dec.27, 2005. Also see 'Northern Areas, neither fish nor fowl' by Khalid Hasan <http://www.khalidhasan.net/fridaytimes/2004-12-03.htm>
14. For detailed analysis of moves directed to absorb Kashmir into the Indian Union see chapter entitled 'India's Kashmir Policy' by Pervaiz Iqbal Cheema in *Perspectives on Kashmir* edited by Dr.K.F. Yousaf (Islamabad: Pakistan Forum, 1994) pp.97-118
15. *The Economist*, July 29, 2000, p.29.
16. *The Economist*, Nov.25,2000, p.40
17. For a detailed analyses see 'Rendezvous at Agra' by Pervaiz Iqbal Cheema, in *The News*, July 22, 2001. Also see 'Agra Summit not a failure, say analysts' and 'All is not lost yet, says Jaswant, Sattar' *The Times of India*, July 17, 2001.
18. *The Economist*, Dec.15, 2001, p.25.
19. The Indian government put the blame on Pakistan based groups with implicit accusation Pakistan was encouraging these groups. What is interesting about the attack on the Indian parliament is that in its immediate reaction and perhaps because of the force of habit, it pointed finger at Pakistan but one year after the attack the Indian courts awarded the capital punishment to three Indians. It was then explained these people had masterminded the attack with help from Pakistan based militant groups. It would be rather difficult to accept that these Indian conspirators had so much influence that they

managed to employ militants from Pakistan to carry out their plan to attack Indian parliament. See *The Indian Express*, December 17 and 18, 2002.

20. *The Nation*, Dec.21, 2005
21. *The Nations*, Dec.20, 2001
22. See 'The deceptive hand of friendship', in *The Economist*, April 26, 2003, pp.21-22.
23. *Dawn*, Nov.24, 2003
24. *Daily Times*, Jan.4-5, 2004. Also see *Dawn*, Jan. 4-7, 2007
25. See 'Towards Amity' by John Cherian, 'A deal for peace' by Muralidhar reddy and 'Looking ahead' by John Cherian in *Frontline*, Jan. 17-30, pp 4-8, 8-12, 12-14
26. 'Talking it over' in *The Economist*, Feb.21, 2004, pp.30-31.
27. *The Nation*, June 20-21, 2004. Also see *Daily Times*, June 20-21, 2004. *Dawn*, June 21, 2004.
28. *The Nation*, June 29, 2004.
29. *Dawn*, July 30, 2004. Also see *Daily Times*, July 31, 2004
30. *Dawn*, Aug.4, 2004
31. *Daily Times*, Aug.7, 2004
32. *Dawn*, Aug.13, 2004. Also see *Daily Times*, Aug.12, 2004. *The nation*, Aug.13, 2004
33. *Dawn*, Aug.21, 2004
34. *Dawn*, Sept.25, 2004. Also see *Daily Times*, Sept. 26, 2004.
35. See 'Kashmir: A way forward' by Pervaiz Iqbal Cheema in *Prospect of Peace, Stability and Prosperity in South Asia*, Institute of Regional Studies, Islamabad, 2005, pp.85-107
36. *The Nation*, June 18, 2005.
37. See *The Nation*, June 22, 2005
38. *The Nation*, June 23, 2005
39. *The Nation*, June 18, 2005
40. See 'Kashmiri leaders visit in retrospect' by Ijaz Hussain in *Daily Times*, June 22, 2005
41. See 'Kashmir: a new perspective' by Afzaal Mahmood in *Dawn*, June 27, 2005
42. See the editorial in *The Nation*, June 16, 2005
43. *Dawn*, June 17, 2005
44. *Daily Times*, June 21, 2005. Also see *The Nation*, June 22, 2005.
45. *The Nation*, Sept.6, 2005.
46. *Daily Times*, Sept.6, 2005
47. *The New York Times*, Sept.6, 2005.
48. <http://www.nytimes.com/2005/09/06/international/asia/06kashmir.html>
49. *ibid.*
49. *The Nation*, Sept.23, 2005
50. President Musharraf stressed that earthquake provided an opportunity to both India and Pakistan to reach a final solution on their dispute over Kashmir. See *The Nation*, Nov. 17, 2005.



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- <sup>51.</sup> *Dawn*, Jan.8, 2006
- <sup>52.</sup> See *The Nation*, Dec.29, 2005. Also see a detailed analysis of this idea see 'Anatomizing self governance' by Pervaiz Iqbal Cheema in *The Post*, Jan.1, 2006.
- <sup>53.</sup> For a detailed analysis of this idea see 'Jointly managing Kashmir' by Pervaiz Iqbal Cheema in *The Post*, Jan.15, 2006.

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## THE PEACE PROCESS: THE ROLE OF EXTERNAL POWERS?

*Ambassador (Retd) Tariq Fatemi*

### **History of the Dispute**

The future of the state of Jammu and Kashmir has been a highly contentious issue between India and Pakistan from the very time these two states gained their independence. And, since then this issue has continued to cast a shadow over the South Asian region.

It would be recalled that it was Delhi that sent its troops to Jammu and Kashmir, ostensibly after the Ruler of the state (Maharaja Hari Singh) signed an Instrument of Accession with India in October 1947. In reaction to this development, thousands of Pakistani tribesmen marched into the state. At this point, India decided to take the issue before the UN Security Council, alleging that Pakistan had instigated the tribes from its North Western Frontier Province to invade the territory and that Pakistan's involvement in Kashmir posed a serious threat to international peace.

The UNSC's overwhelming membership however questioned the legality of the so-called Instrument of Accession and seriously doubted India's allegations against Pakistan. In a series of developments thereafter, the UN came to the conclusion that the only legal and moral way out of the impasse was to arrange for a plebiscite to ascertain the wishes of the Kashmiri people. The plebiscite, however, could never take place as successive UN initiatives were not acceptable to India, which feared that its occupation of the territory had created amongst the local people, deep animosity and hostility towards her. Incidentally, Pakistan was successful in broadening the dispute to include the entire gamut of Indo-Pakistan relations. Against India's objection, the Jammu and Kashmir question became the Indo-Pakistan question. India chose to ignore the UN resolutions and refused to have any dealings with

Pakistan's diplomatic stand that it was a territorial dispute between the two states. Thereafter, Pakistan based its policy primarily on the need to honour the UNSC resolutions.

The situation in Kashmir stabilized somewhat during the early 1950s when India and Pakistan consolidated their positions in those parts that they had occupied. Delhi continued to reiterate that it was agreeable to a plebiscite in the occupied territory, but on the condition that this could take place only after the situation had normalized. Simultaneously, the Indian Government continued to take measures to ensure structural and political integration of Kashmir into India and allowed the local government to engage in highly corrupt practices, while unleashing a policy of terror against the local population.

Relations between India and Pakistan witnessed marginal improvement in 1953 and negotiations on the Kashmir dispute were conducted between the leaders of the two countries in July and August of that year. Both sides agreed that a plebiscite was the best solution, but they could not decide how this was to be accomplished.

These negotiations were however suddenly broken by India, when Pakistan entered into an alliance with the US. Delhi claimed that this agreement had brought about a fundamental change on the ground and, therefore, India was within its right to end its cooperation with the UN, on this subject.

In 1957, the UN decided to involve itself once again in the Kashmir dispute. The Security Council passed a resolution on January 19, 1957 stating that the dispute should be resolved through a plebiscite. The resolution was rejected by Nehru, who had already declared that it was no longer practical to hold such a plebiscite, in view of the fact that Pakistan had entered into a military alliance with the US. Though the UN made two more attempts to resolve the problem, one by Gunnar Jarring and another by Dr. Frank Graham, Delhi insisted that the Kashmir issue was non-existent, because the area's accession to India was a closed issue. Thereafter, the world community began to lose interest in the issue, especially when it

realised that India would frustrate all attempts to secure a negotiated settlement of the dispute.

### **The Soviet Role**

By 1965, President Ayub Khan had become concerned with India's efforts to integrate Kashmir into the Union and also alarmed over the massive supplies of sophisticated arms to India from the Soviet Union, the U.S and the UK, in the wake of its defeat at the hands of the Chinese in 1962. This led him to the conclusion that Pakistan had only a small window of opportunity to take Kashmir by force, before India would become much too strong. A plan was, therefore, formulated to first try to engineer a local uprising in the occupied areas through Pakistani infiltrators, to be followed by the Pakistan army launching a direct attack on Kashmir. The Indians not only put up a stiff resistance, but launched an attack across international frontiers on Pakistan itself, resulting in the war quickly turning into a stalemate. The Johnson Administration immediately imposed an arms embargo on both Pakistan and India, but it was the former that suffered much more, as it was totally dependent on American supplies. To the surprise of many, the Soviet leadership decided to adopt a neutral stand and offered its good offices for a peaceful settlement of the dispute. It invited leaders of the two countries to Tashkent, where the Soviets sought to mediate between the two South Asian rivals. At Soviet urgings, the two leaders agreed to promote understanding and friendly relations in accordance with the UN Charter, and a total pull-out of troops to their pre-war positions. Resultantly, Russia emerged as a peace maker, while the US was preoccupied in the Vietnam War.

Kashmir hardly figured in the Indo-Pakistan war in 1971, during the course of which Pakistan lost its eastern wing. Thereafter, Pakistan's new leader, Mr. Zulfikar Ali Bhutto, traveled to Simla to negotiate with the triumphant Indian Prime Minister, not only for the return of over 90,000 Pakistani troops that had been taken prisoners by the Indian Forces in East Pakistan, but also for the withdrawal of Indian forces from territories occupied in Pakistan. The resultant agreement known as the Simla Accord continues to provide the basic framework for relations between the

two countries. The international community was relieved when the Simla Accord was signed, as it felt that the two countries would now try to resolve the issue bilaterally.

Thereafter, the issue of Jammu and Kashmir hardly figured in Indo-Pakistan dialogue during the leaderships of Prime Minister Bhutto or President Zia-ul-Haq. The first remained engaged in consolidating his power and introducing major domestic reforms, while the latter was totally pre-occupied with the Soviet presence in Afghanistan. It was only around 1988, that Kashmir once again began to occupy centre stage, when Indian atrocities, coupled with massive corruption and inefficiency of the state government, led to an indigenous uprising among the Kashmiri youth. Delhi, on the other hand, charged Pakistan with having aided and abetted an insurgency that assumed serious proportions for the occupying forces.

Pakistan sought to internationalize the issue, by means of a massive media campaign, that focused on the violations of the human rights of the Kashmiris by the Indian forces. Prominent journalists and human right activists were encouraged to travel to Azad Kashmir and talk to the refugees. At the same time, Pakistan intensified efforts to place the dispute before international organizations, such as the NAM, OIC and Commonwealth. At Pakistan's urgings, UN Secretary General Butros Ghali offered to mediate in the dispute, provided he was requested to do so by both India and Pakistan.

However, after the nuclear tests by both India and Pakistan, the Russian Foreign Minister extended a 3-point proposal, including the P-5 mediation on Kashmir. The Indians were upset at this development, as the Russian statement was viewed as a deviation from traditional Russian policy on Kashmir that advocated its resolution in accordance with the Simla Accord.

### **The US Role**

In the initial years, the US paid little attention to South Asia. Washington had good relations with both the new States and sought to deal with the Kashmir dispute through the UN system, viewing

to take up this issue with the Indian government. The other side of this problem related to acts of terrorism, specially when Pakistani nationals and other Muslims were suspected of involvement in the insurgency, in response to calls for Jihad by Islamist groups. Washington threatened to add Pakistan to the list of states that sponsored terrorism, and, in fact, identified the Harakat-ul-Mujahidin (HUM) as an official terrorist organization, based in Pakistan. Subsequently, the State Department's 2000 Human Rights Report also held the Indian security forces responsible for "significant human rights abuses" in Jammu and Kashmir.

It was not till 1998 when India, followed by Pakistan, carried out the nuclear tests that this unexpected development caused serious concern in major world capitals, which feared that the bitter rivalry between the two South Asian neighbours would now assume a far more serious character. The U.S., U.K., Japan and others imposed economic sanctions, while the UNSC deplored the tests and urged both countries to refrain from further tests. The U.S. Secretary of State, Madeliene Albright, stated that "the U.S. was re-examining the underlined political problems between India and Pakistan, including Kashmir." In the meanwhile, most Pakistani leaders sought to shift the focus from the nuclear issue to the Kashmir issue, with Prime Minister Nawaz Sharif taking the initiative to invite the Indian Prime Minister to Lahore. Their meeting resulted in the Lahore Declaration of February 1999, in which they gave their solemn assurance that they would seek to resolve their differences and strive to normalize their relations. This helped somewhat calm the frayed nerves. However, the nuclearisation of the region also led the Clinton Administration to state that the Kashmir issue would have to take a back seat, while the primary focus would have to be on the need to defeat terrorism and eliminate the new and dangerous environment created by the nuclear tests in the region, in which there was no room for use of force to change the status quo. Senior Administration officials were not averse to claiming that since New Delhi would not give up control of Indian occupied Kashmir unless compelled by force, the US had no other option but to support the continuation of the status quo, even though it admitted that this amounted to favouring India.

This position became even more pronounced a few months later, when the Pakistan Army carried out the "Kargil operation", in the expectation that its ingress into a strategic area would, among other things, prompt the US to intervene to cool down the "nuclear flash point". To Islamabad's surprise, Washington's reaction was sharply critical, with the Clinton Administration making it clear, both publicly and through diplomatic demarches, that Pakistan's action was "foolish, dangerous and counter-productive." An immediate end to the conflict and respect for the Line of Control in Kashmir was demanded by the Administration. This was reiterated during Prime Minister Nawaz Sharif's hurriedly arranged meeting with President Clinton in Washington on July 4, 1999. The President made it clear that unless Pakistan agreed to pull its troops back, the US would not be able to prevent the expansion of the conflict into a wider conflagration. Sharif was also told that the Kashmir operation was an "irresponsible and dangerous action" that could lead to nuclear war in the region, especially as the U.S. claimed to have credible reports to the effect that the Pakistan Army was activating its nuclear arsenal for possible deployment, without the knowledge or approval of the civilian leadership. In the joint statement issued on that day, the two leaders agreed that it was "vital for the peace of Asia that the Line of Control be respected by both parties". As a sop to the Pakistani leader, Clinton stated that he would take a "personal interest" in encouraging the resumption of the dialogue initiated in Lahore, but made it conditional that this would take place "once the sanctity of the Line of Control had been fully restored".

This stance then became the Clinton Administration's policy on Kashmir, for it was echoed in Clinton's television interview during his visit to Delhi in March 2000. He not only reiterated US opposition to violence particularly within Kashmir, but called upon both India and Pakistan to respect the LoC. Though he warned against the use of force by the Indians to suppress Kashmiris, who Clinton admitted, deserved to have their concerns addressed "on the merits", he dismissed the idea of a plebiscite in the State and spoke of his interest in "some process by which the Kashmiris' legitimate grievances are addressed". He also implied that this process should take place within India. Clinton maintained the same position in a televised address during his brief stop over in Islamabad on his way

back, when he left no room for any doubt as to how he viewed Pakistan's Kashmir policy. He warned that "this era does not reward people who struggle in vain to redraw borders in blood". Pakistan must face the stark truth and warned: "There is no military solution to Kashmir; international sympathy or support for intervention cannot be won by provoking a bigger bloodier conflict." On the contrary "sympathy and support will be lost". He also dismissed entreaties for an American role by affirming that "we cannot and will not mediate or resolve the dispute in Kashmir. Only you and India can do that, through dialogue". This was the most clear evidence of the new tilt towards India in US policy on South Asia.

This pro-India stance of the Clinton Administration became more pronounced during Prime Minister Vajpayee's return visit to Washington a few months later, when it became evident that the American President wished to focus on building a strong, long-term relationship with India. This change in Washington's policy can be ascribed to the end of the Cold War, which brought an end to US-India friction; to opening of India's largely autarkic economy to foreign private trade and investment; and the increasing role in US public life of the educated and well-to-do Indian émigrés. Notwithstanding American concerns over India's nuclear proliferation policy, the Clinton Administration established an institutional framework designed to further enhance relations with India. This relationship has, of course, seen a remarkable growth in recent months, with both sides describing it as "strategic". Moreover, the Bush Administration shifted the focus to the alleged terrorist activities in the occupied territory, when it called for an end to direct and indirect aid and assistance, allegedly being provided by Pakistan government agencies, political parties and private groups.

India as the status quo power wants to keep all foreign influences out of the area. It has therefore consistently opposed any role for the US or any other external actor in the issue of Kashmir. President Bush began by maintaining his predecessor's position, while at the same time, urging New Delhi to initiate meaningful dialogue with Pakistan. In private, the Administration also made it clear that it favoured transforming the Line of Control to become the



international boundary. To this end, it regularly urged "reality and pragmatism" on the Pakistanis. As regards India, the Bush Administration has tried to impress on Delhi the need to improve the human rights situation in the occupied territory, which should not be confined to mere improvement in the law and order situation, but must envisage necessary political changes to ensure the participation of the Kashmiri dissident groups in the Indian electoral processes.

It would thus be seen that there has been a gradual but perceptible shift over the years in the American position on Kashmir. While in earlier years, the Administration favoured the multilateral approach (UN mediation), there was a shift towards the bilateral track after the 1972 Simla Agreement and then towards the perception of the dispute as a "trilateral problem". Increasingly, the US State Department has come round to the position that the least worse solution may be to formalize the UN monitored 1948 ceasefire line, also referred to as the Line of Control, as the international boundary between India and Pakistan.

While the Kargil episode brought the US back into South Asia; first the Clinton Administration, and then the Bush Administration had already begun to see India as a rising Asian power. The war on terrorism transformed US perspective on South Asia, and Pakistan became a front line state in the war on terrorism, "not only for the war in Afghanistan, but for the evolution of Pakistan or the deterioration of Pakistan into a state which was itself the source of international terror" (Stephen Cohen). However, American diplomatic pressure on India and Pakistan became more pronounced after the attack on the Indian Parliament on December 13, 2001, as the Administration feared that the Indo-Pakistan military confrontation could spiral into a nuclear confrontation, which, in turn, could have a long term adverse impact on the campaign against international terrorism. It was in this scenario that the Bush Administration decided to involve itself in the sub-continental political situation. But this was "involvement" and not "intervention", because it was confined to expressions of American concern and diplomatic counsel on both countries to initiate steps to, first defuse tensions; second to facilitate negotiations, third to forge a solution; and finally, to assist in the pursuit of such a solution.

Moreover, the Americans refrained from intervention not only because of their own political calculations, but also because of Indian opposition to third party intervention in the Kashmir issue.

We see that while India publicly exhibited strong aversion to any “third party” (including the UN) role in its dispute over Kashmir, Delhi welcomed any available outside assistance in favourably ending Indo-Pakistan wars in 1965 and 1971, and even in preventing the outbreak of full fledged conventional wars, on other occasions, such as the Kargil conflict in early 1999. The Americans, as well as other major powers, feared that notwithstanding Delhi’s public statements on not using force across the LoC, the potential for escalation into a full-scale conventional war and even of the risk of inadvertent nuclear escalation was real.

This was followed by the American involvement in defusing a major confrontation that developed between India and Pakistan, after the alleged attack by Pakistan-based terrorists on the Indian Parliament on 13 December 2001. As part of its coercive diplomacy against Pakistan, Delhi launched “Operation Parakram” on 19 December 2001. This largest ever mobilization of Indian armed forces on the borders led to a powerful response from Pakistan. Nearly one million armed personnel were deployed across the India-Pakistan borders. Not only was there a high risk of a break-out of a conventional war, the major powers feared that this could soon escalate into nuclear war – either by misperception or miscalculation. On 2 March, 2002, George Tenet, the CIA Chief warned the Senate Armed Services Committee that the chances of a war in the region were the highest since 1971. In particular, India’s threat to use force across the LoC – whose sanctity India had repeatedly affirmed during the Kargil conflict – deeply alarmed policy makers in major world capitals. While Delhi wanted Pakistan to offer cast-iron guarantees that it would end cross-border infiltration into Indian occupied Kashmir, Pakistan wanted the US to use its influence with Delhi to restrain her from military action.

U.S Secretary of State Powell and the British Foreign Secretary Straw worked closely to ease the tension, by urging

President Musharraf to take action on the ground to counter cross-border "terrorism" originating from Pakistan administered Kashmir, while pressing India to exercise restraint and prevent its armed forces from using force across the LoC. Straw expressed his concern over the "dangerous situation" in the region, pointing out that both countries have "nuclear weapons and one of them – Pakistan – has said they reserve the right to use them first". This led to the issue of travel advisories by the major Western powers and the massive exodus of all foreigners. On June 6, U.S. Deputy Secretary Richard Armitage met with President Musharraf and was able to obtain a commitment that he would end cross-border infiltration "permanently". Delhi welcomed this pledge and within days, it appeared that there was a definite thaw in Indo-Pakistan tensions. The American and British leaders congratulated themselves on having played a successful role in bringing an end to the ten-month long border confrontation. Incidentally, in May, 2004, Secretary of State Colin Powell confirmed that he and other major world leaders had worked closely to defuse the situation when India and Pakistan had mobilised their armies some two years before.

The next occasion for American involvement came during the 12<sup>th</sup> SAARC Summit in Islamabad in January 2004. On the sidelines of the Summit, the leaders of India and Pakistan agreed to resume official level dialogue, after a three-year hiatus. The statement of Jan. 6, 2004 also noted that New Delhi agreed to settle Kashmir "to the satisfaction of both sides" and that Islamabad would not permit "any territory under Pakistan's control to be used to support terrorism in any manner". While both Delhi and Islamabad had a strong interest in reaching an accord during the SAARC Summit, American officials claimed, with some degree of accuracy, that they had played an important role in convincing the two leaderships to resume their dialogue.

In the post 11 September security environment, US relations with both Delhi and Islamabad have improved considerably. It considers both as friends and allies and is engaged in wide-ranging cooperation with them. While its relationship with Delhi can be characterized as broad-based and even "strategic" US relationship with Islamabad too, is fairly comprehensive. In October 2003, an

American Independent Task Force on South Asia, urged Congress and the Administration to make the region a high foreign policy priority. It warned that if this did not take place, the US could face crises in the region that would pose major threats to American national security. Nevertheless, Delhi remains unwilling to accept an American-sponsored resolution of the Kashmir dispute, claiming that this remains a bilateral issue, as stated in the Simla Agreement. In an interview with *India Today* in January 2004, Vajpayee clearly indicated this when he stated that the US had been making genuine efforts to promote peace in the sub-continent “as friend, not mediator”.

### **China's Role**

China may have always taken a low key approach to the Kashmir problem, but has, nevertheless, taken a keen interest in the issue, understandably so, as Kashmir has great geographical, historic and even strategic relevance to China.

During the 1950s, when China and India enjoyed a short-lived honey moon, China's basic position on Kashmir was of “no involvement” and “doing justice” approach, advocating the necessity of bilaterally addressing the Kashmir dispute, without any extra-regional interference. Notwithstanding this “no involvement” policy, Premier Zhou Enlai politely, but firmly, declined Prime Minister Nehru's invitation to visit Srinagar and refused to comment on the issue in favour of India.

It was however the 1962 Sino-Indian border war that brought about a major change in Beijing's appreciation of its strategic interests in the region. A perceptible transformation in China's policy towards the entire region in general and towards Kashmir, in particular, could be discerned. Islamabad's public initiative to strengthen ties to Beijing, and in particular, the signing of the border agreement with China in 1963, was a major development that cemented Sino-Pak relations. On Kashmir, however, China maintained a cautious attitude as evident from the fact that it insisted that the Sino-Pak border agreement would be provisional and subject to adjustment upon a final settlement of the Kashmir issue.

During the 1965 war, Beijing expressed its full solidarity with Pakistan and endorsed Islamabad's claim to Kashmir, when it began to advocate that the issue should be decided through a UN supervised plebiscite.

Sino-Indian relations witnessed a thaw in the late eighties. But the change in China's policy towards the region became visible in the mid 1990s, especially during the course of high profile exchange of visits and understandings on a number of confidence building measures. Resultantly, China began to play down the significance of the UN resolutions on Kashmir, while shifting its emphasis to finding a resolution of the problem through bilateral negotiations, based on the Simla Accord. Beijing also urged both Delhi and Islamabad to work together on the easier and less contentious problems in their bilateral relations, before tackling the issue of Kashmir. Accordingly, China has welcomed the current "normalization" process between India and Pakistan. It has also endorsed and publicly acclaimed Islamabad's role in the international war on terror. In particular, Islamabad's efforts to curb activities of religious groups, which were alleged to be stirring up discontent in China's Xingiang Province (China's only Muslim majority province), has been lauded by Beijing.

China's emphasis on the settlement of all disputes between Pakistan and India through bilateral negotiations is also ascribed to Beijing's concern at growing US presence in South Asia and Washington's close cooperation with Islamabad, on a number of sensitive issues. In China's view, enhanced influence for any extra-regional power in South Asia will not have a positive impact on the region. Beijing has also indicated that any initiative taken by India and Pakistan, at the urging of or at the behest of a foreign power, cannot produce a genuine commitment to peace by these two countries. Therefore, any agreement should be home-grown and at the initiative of the parties involved. In fact, some Chinese scholars have gone to the extent of expressing their unhappiness with media reports to the effect that the US Administration, and in particular the Pentagon, has drawn up what is referred to as the proposed "road map" of the South Asian peace process, which highlights increasing American involvement in the regional scenario. While the

authenticity of these documents is not yet known, Beijing would not look upon this development with favour.

### **EU's Role in the Kashmir Issue**

The EU recognizes the Kashmir dispute as an international problem, but advocates bilateral dialogue between India and Pakistan for its resolution. In the past, the EU has expressed its concern at human rights violations in Indian Held Kashmir, but at the same time, called for a halt to terrorist activities and "cross-border interference". It has also been stressing the need for access to IHK for international human rights organizations and NGOs, and for the relevant Special Rapporteurs of the Commission on Human Rights. However, the EU is reluctant to offer mediation because of Indian objection to third party involvement, even though since 1992, Jammu & Kashmir has been referred to in EU pronouncements as a "conflict", question, or "issue".

The EU Parliament adopted a resolution in October 2001 asking the Council and Commission to offer their services as an honest broker to resolve the Kashmir "dispute" - the first time such a call was made. During 2002, the European CFSP statements urged both Pakistan and India to de-escalate tensions and resume dialogue. The Council also expressed its readiness to work with India and Pakistan, and with others in the international community to defuse the continuing crisis between the two countries, and to encourage efforts to settle their differences through bilateral dialogue.

The Joint Statement issued at the end of the Fourth EU-India Summit, held in The Hague on 8 November 2004 "welcomes the positive evolution of the relationship between India and Pakistan," and expressed hope for "its consolidation through the on-going "composite dialogue in an atmosphere free from the menace of terrorism and violence." Earlier, a delegation of the European Parliament's Adhoc Delegation on Kashmir, led by John Cushnahan, went on a "Fact Finding Mission" to Pakistan and AJK, from 7-11 December 2003. During the visit, apart from calling on the Pakistani leadership, it visited Muzaffarabad and the Line of Control. The delegation also visited New Delhi and Srinagar in

June 2004. Thereafter, it issued a report which contained seven recommendations, which:-

- Called for the involvement of all three parties in the peace process.
- Repudiated unequivocally terrorism and violence.
- Appealed to India and Pakistan to ensure that their dialogue must be meaningful and have real substance.
- Recommended a conference of academics and experts from the three parties and the EU to examine options for conflict resolution.
- Called for cross-border bodies on various issues such as terrorism and environment.
- Called upon India to reconsider its position on UNMOGIP to enable it to properly carry out its UN mandate.
- Called upon the Foreign Affairs Committee of the EU Parliament to appoint a Standing Rapporteur on Kashmir.

The report was discussed in Parliament's Foreign Affairs Committee in July and November, when it decided to drop the last recommendation, regarding the appointment of a Standing Rapporteur on Kashmir. Later, on 30 March 2005, the EU Parliament in its Report on Human Rights in the World, while expressing its concern over reports of human rights abuses in the Kashmir region by members of the Indian military and police forces, also strongly condemned all acts of terrorism and violence throughout the region, and noted the responsibility of Pakistan in this regard. It also insisted on full and open access to media and human rights organizations to the Kashmir region.

### **Prospects**

Having gone through a brief rendition of the interest and involvement of the Great Powers in the issue of Kashmir, we have a fairly good idea of how they view this problem. In such a scenario, what are the prospects of external powers playing a meaningful role in the resolution of the Kashmir problem and/or in the peace process between Pakistan and India?

The South Asian sub-continent, by virtue of its geo-strategic location, has been a major arena of super-power rivalry since the Second World War. Therefore, the dispute between India and Pakistan, though regional in nature, was exploited by the great powers for their own Cold War objectives. While Washington and Moscow vied with each other to gain a foot-hold in the region, not surprisingly, both India and Pakistan took advantage of super power rivalry to enhance their own national interests. This was all the more pronounced because of the blood-shed and bitterness that had marked the birth of the two countries and the subsequent Indian hostility towards Pakistan. The latter therefore, had no option but to forge special relations with the great powers; in particular, the United States, in order to make up for her shortcoming and weakness.

On the issue of Kashmir, there has always been some involvement of the major powers, either directly, or through the UN Security Council. In fact, political analysts can claim that there has always been a degree of foreign interest bordering on intervention, in the issue of Kashmir. They can point to the resolutions and reports of the UN, the EU and the OIC. They can also recall the initiative taken by the US and the UK (e.g. visits of Special Envoys Averil Harriman and Duncan Sandys), as well as to the combined initiative of the US and the Soviet Union during the 1962 Sino-Indian war and the 1965 and 1971 Indo-Pak wars, or even to President Clinton's role in defusing the tension caused during the Kargil episode, as evidence of foreign interest in the resolution of Indo-Pakistan differences.

It must however be noted that as the power in physical control of Kashmir, India is the status-quo power. Pakistan, because it is seeking to oust India (of course, by means of Kashmiri self-determination) is therefore the revisionist power, seeking to disturb the status-quo, either directly or with the help of outsiders. This is why India is keen to keep the issue within the context of India-Pakistan bilateral ties. Pakistan, on the other hand, wants third party mediation to resolve the issue. In fact, Islamabad has favoured an international role in the Kashmir dispute in the hope that "internationalisation" would provide a favourable resolution of the



Kashmir dispute. Even as late as last year, the Pakistan Foreign Ministry spokesman was stating that Pakistan favoured the involvement of foreign powers in the resolution of the Kashmir issue.

However, the world today is radically different from what it was a decade or so ago. The disintegration of the Soviet Union brought an end to the Cold War and a shift in the policies of the United States, Russia and China towards the region. Thereafter, we had the 9/11 episode that brought about a major transformation in the policies of all states and certainly in those of the major powers. Presently, very few countries are willing to support any attempt to change international frontiers or to disturb long settled arrangements, whether it be in Africa, South Asia, Russia or China. In fact, the concept of national liberation movements, that is recognized in various resolutions of the UN, is no longer acceptable to the major powers. Such actions are now bracketed as "terrorist movements" and accordingly crushed brutally by state agencies.

The Indian authorities have also consistently spurned the initiatives taken by many reputable non-governmental bodies such as the Kashmir Study Group and the Neemrana group, to promote a resolution of the Kashmir dispute. India's strength and influence helped stifle these initiatives. Since 9/11, India's "clout" has become stronger and therefore more rigid. Taking advantage of the new philosophy propagated by the Bush Administration, it has succeeded in reinforcing its claim that the Kashmir freedom struggle was akin to terrorism. It has even succeeded in getting the world to accept its propaganda that the movement was being sustained primarily by Pakistan's aid and assistance and even worse, that many of these "freedom fighters" were actually terrorists, trained and armed in terrorist camps in Pakistan. This has seriously damaged the credibility of the Kashmir freedom movement and undermined Pakistan's stand on the issue of Kashmir's liberation.

A somewhat positive development is the growing recognition in the US that while the US cannot play the role of a mediator, it can use its influence with both Delhi and Islamabad to continue encouraging them and occasionally, nudging them towards

a negotiated settlement of Kashmir. But will the increased US role in the “crisis management” aspect of the Kashmir dispute be extended to its formal involvement in the “conflict resolution”? This is highly unlikely even though on rare occasions, one may come across the views of people such as Robert Galluci, a veteran American diplomat (presently Dean at the Georgetown University), who in a seminar in April 2005, criticized the US policy in the Kashmir issue for being “episodic.” Galluci called upon the US “to work on a more rigorous and sustained way to prevent conflict through the resolution of the Kashmir dispute.” Other American academicians are of the view that the Administration should use its influence to push for the acceptance of the LoC as the frontier between India and Pakistan. In their view, the Indians are more likely to accept this, though publicly they may reject this option.

The Indian position, too, appears to have undergone somewhat of a transformation. India now accepts foreign and, in particular, American “involvement” in Kashmir, while remaining opposed to American “intervention”. Of course, It claims that this has been done only after the US made clear its opposition to and elimination of all kinds of terrorism by Pakistan and the affirmation by the US that international frontiers, whether formal or informal, would not be changed by non-peaceful means. The Indians also claim, with some justification, that the sanctity and legitimacy of the Line of Control in Jammu has been accepted by the US. But in formal settings, the Indians have emphasized that they want to keep the US out of the process. They have also urged the major powers not to act collectively but singly, and that their efforts should be in the bilateral framework and not in a multilateral context.

It must however be recognized that in the current global environment, there is a little likelihood of a meaningful role for any foreign power on the issue of Kashmir. There is no sentiment in favour of such an option. Even close friends of Pakistan are of the view that it must continue its current dialogue process with India, because a peaceful, durable and sustainable resolution of this problem is possible only through the route of negotiations. Further, they caution that any foreign involvement in the issue would only complicate an already complex problem, further exacerbating

relations between the two South Asian rivals. Pakistan, too, appears to have reconciled itself to this reality as is evident from its current emphasis on pursuing the “composite dialogue” format, to resolve all its differences with its neighbour, including the issue of Kashmir which it no longer insists on referring to as the “core issue”. The readiness with which Islamabad has embraced major Confidence Building Measures (CBMs) with India is also indicative of an important policy shift, in which tension and hostility is being gradually replaced by normalcy and cordiality. In these circumstances, the maximum that Pakistan can hope for is to ask friendly powers to maintain their interest in the issue and to use their influence with Delhi to encourage it to adopt a reasonable attitude in the course of negotiations. But Pakistan must refrain from showing an “inelegant haste” in reaching a settlement on the issue of Kashmir. Such an eagerness will inevitably weaken our negotiating position and lead us to compromises that we may well come to regret at a later date.

During October 2005, a disastrous earthquake struck Pakistan’s northern areas and large parts of the State of Jammu & Kashmir. This unprecedented calamity not only impacted on the physical topography of the land, but appears to have affected profoundly the thinking of people in the disputed territory as well. This, in turn, has influenced the policies of all the three parties to the dispute – Pakistan, India and the Kashmiris.

The disaster gave rise to a feeling on both sides of the LoC, that the earthquake had exposed both governments’ inability and inadequacy (on both sides of the LoC), to extend the kind of help and assistance that the people were in desperate need of. This perception further encouraged the sentiments of disappointment and even some alienation in large sections of the thinking public in Kashmir, on both sides of the LoC. It was in response to these pressures, that both New Delhi and Islamabad were constrained to agree to new Confidence Building Measures that included opening of additional entry points on the LoC, so as to permit the divided families to engage with their kith and kin, in the relief and rehabilitation work in the affected areas.

The earthquake also injected a new vigour and resolve in the Kashmiri leadership to become an essential element in any negotiations relating to the future dispensation of the disputed territory. Prominent politicians on both sides of the LoC, made it clear that they would not be satisfied with being merely consulted; they wanted to be active participants in any negotiations between India and Pakistan, on the issue of Kashmir.

Mir Waiz Umar Farooq, the young and articulate leader of the APHC was also encouraged by these developments to introduce the concept of a "United States of Kashmir", at a seminar in New Delhi on November 16. While refraining from giving out details, he explained that his concept of a "United States of Kashmir" envisages de-militarization by both India and Pakistan, ceasefire by the militants and consensus between all shades of Kashmiris for a negotiated settlement.

Incidentally, this proposal is similar to the conclusions reached by a US group known as the "Kashmir Study Group", which was established in 1996 and is headed by a Kashmiri-Indian-American businessman, Farooq Kathwari. In its 1997 report, "Kashmir at Fifty: Charting the Path to Peace," the KSG had stated that "progress towards the restoration of normal civil life involved first and foremost commitment to substantial de-militarization of the civilian inhibited areas of the state of Jammu & Kashmir; in other words to the imposition of significant curbs on and, if possible, termination of the whole array of insurgent and counter-insurgent "military" activity". Without calling it the "United States of Kashmir", the KSG report had stated that "the new entity would have its own secular, democratic constitution as well as its own citizenship, flag and legislature, which would legislate on all matters other than defence and foreign affairs,.....India and Pakistan would be responsible for the defence of the Kashmir entity, which would itself maintain police and gendarme forces for internal law and order purposes. India and Pakistan would be expected to work out financial arrangements for the Kashmir entity, which would include a currency of its own."

The Mirwaiz's declaration was not only important for what was pronounced, but also for the symbolism of the occasion, as he shared the platform with powerful political opponents such as Omar Abdullah, a former Indian Federal Minister for Foreign Affairs and an articulate leader of Kashmir's pro-Indian National Conference, as well as Ms. Mahbooba Mufti, a popular Kashmiri leader of the state's ruling pro-India coalition. During the Conference, all three spoke in similar vein; opposing the tyranny of the militants and slamming operations of the Indian State machinery in their state. They also supported urgent steps by India and Pakistan to allow divided Kashmiri families to reunite. The Mir Waiz also spoke of Kashmir's cultural diversity, thus endorsing its ethnic and religious multiplicity, while rejecting resolution of the problem on grounds of religion. It would thus appear that while the older leaders of the Hurriyat coalition, such as Professor Abdul Ghani Bhatt and Maulvi Abbas Ansari, opted to stay out of the current developments, the young leaders decided to explore new ideas for dialogue and cooperation with fellow Kashmiris across the LoC.

Even more significantly, the newspapers reported that a group of US Congressmen decided that the goodwill generated by the need to cooperate on earthquake relief operations, had created the right political climate to push for some form of settlement of the Kashmir issue. A 12 member Congressional team, led by Republican Dan Burton, visited the region on a fact finding mission towards the end of November 2005. They met the leaders of India and Pakistan and also held in-depth discussions with many prominent Kashmiris, including the Mir Waiz. They were reported as having expressed their support for the ideas of self-governance and de-militarization in the disputed region. Around the same time, it emerged that the idea of self-governance in Kashmir had been broached by Prime Minister Shaukat Aziz with Prime Minister Manmohan Singh, during the SAARC Summit in Dhaka. Pakistan's Foreign Ministry confirmed this and added that "any proposal, any idea that emanates from the Government of Pakistan is in consultation with and endorsement of Kashmiri leadership on both sides of the LoC." The spokesperson added "any settlement has to be acceptable to all the three parties, and above all, must represent the wishes and aspirations of Kashmiri people". This view was

confirmed by the AJK Prime Minister Sardar Sikandar Hayat, who in a statement a day later, welcomed Pakistan's proposals. Even more interesting were the comments made by the Kashmiri leader, Omar Abdullah, who in an interview on a Pakistani TV channel in early December, accused the Indian Government of not showing "enough flexibility" in its efforts to resolve the Kashmir problem.

It would thus appear from the renewed interest in the resolution of the dispute by Kashmiri leaders on both sides of the political divide, as well as by the many foreign leaders who visited Pakistan in the wake of the earthquake, that they are satisfied with the progress made by Pakistan and India in their efforts to ease the tension between the two countries and to resolve the Kashmir dispute. At the same time, these foreign leaders are careful not to do anything to "queer the pitch" by trying to inject themselves into the process. An evidence of this was the statement by Australian Prime Minister John Howard, during his visit to Islamabad, appreciating the progress that Pakistan and India had made in the composite dialogue and expressing the hope that the two countries would be able to resolve all differences between them, including the Kashmir issue, through peaceful negotiations and mutual understanding. He reiterated that Australia would continue to support India and Pakistan in their dialogue process, but keep itself away from interfering in the internal affairs of any country. This statement is reflective of the attitude currently adopted by most countries to the issue of Kashmir, which means that while the international community will continue to use its influence, quietly and softly, to nudge both Delhi and Islamabad to pursue the current peace process, the prospect of active involvement by outside powers in this dispute between India and Pakistan, is most unlikely.

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## INDIA –PAKISTAN PEACE PROCESS: ROLE OF PERCEPTIONS

*Ms. Shaheen Akhtar*

The peace process between India and Pakistan that began in January 2004 is facing rough weather after the Mumbai train blasts on 11 July 2006 that killed 183 people. New Delhi pointed fingers at Pakistan and reacting to the incident, suspended foreign secretary level talks scheduled for end of July to review the composite dialogue. President Musharraf regretted the development stating that stalling of dialogue 'would be tantamount to playing into the hands of the terrorists.'<sup>1</sup> So far, there have been three rounds of talks in which normalisation process has moved forward, where as conflict resolution process made no real progress.

The peace process is taking place in a changed domestic, regional and international environment which was expected to have positive impact on the perceptions of the two traditional adversaries in finding a solution to the contentious issues including the Kashmir dispute that has been straining their relationship since independence. However, a close examination of two and a half years of talks shows that divergent perceptions held by two sides have remained at the heart of the peace process and are going to determine the course of composite dialogue. The major areas where perceptions play a significant role pertain to differing approaches adopted by the two sides, the relative importance given to Confidence Building Measures (CBMs) and the divergent perspectives on the solution of the core issue of Kashmir. The two countries have been moving very cautiously as the issues involved are not only sensitive but, the way forward is full of uncertainty and challenges.

The paper would explore the role of perceptions in the current peace process. How perceptions are shaping the Indian and Pakistani approaches to the peace process? How the two sides view the importance of CBMs in the peace process? How their perceptions regarding solution of Kashmir issue are affecting the pace and substance of the talks? Finally, how the two can bridge the



gap between their strong held perceptions and make the peace process a success?

### **Peace Process Setting**

The current peace process between India and Pakistan came in the wake of a 10-month deadly standoff in 2001-02 and mounting pressure from the international community, especially the USA. It is widely assumed that dynamics of war and peace in the region are changing very fast which are pushing both sides to a compromise. There are at least three broad realities that are greatly shaping perceptions of India and Pakistan regarding peace in South Asia. These can be identified as perceptions regarding military/strategic realities, economic realities and political realities.

First, there is a growing perception that military/strategic realities have made the peace process 'irreversible' and in the same vein Kashmir is 'ripe' for a 'final' solution. The nuclearization of India and Pakistan rules out a military solution to political problems and that also applies to the resolution of Kashmir dispute. The two major crises after nuclearization of India and Pakistan- the Kargil conflict in 1999 and military stand-off in 2001-02 clearly demonstrates that the parties to the conflict have reached a real impasse- a 'hurting stalemate'- and none of them can impose a unilateral or military solution on Kashmir. An Indian analyst observes:

Given the transformed geo-strategic environment in the subcontinent and the wind of change shaping global politics, it is inevitable that India and Pakistan have to sort out their differences on Kashmir so that South Asia no longer remains the most dangerous flashpoint in the world.<sup>2</sup>

Secondly, there is a growing perception that economic imperatives for the peace in the region are driving both sides to settle their mutual problems. Both countries fully recognize that poverty is their 'common enemy'. Removing poverty and ensuring development is just impossible without having peace or at least managing their security affairs. This is reinforced by the forces of globalisation, which are also pushing them to ensure stability in the

region. If India wants to achieve Chinese-like rates of economic growth, it requires political stability, an inflow of foreign investment and an energy corridor from Pakistan. And for that it needs peace with Pakistan. Globalisation is also putting pressure on Pakistan to end conflict with India and focus more on internal stability and economic development. It is also argued that a rising and increasingly vocal middle class in both societies is becoming more interested in peace and economic opportunity than continuing conflict.

Thirdly, there is a growing perception that both domestic and international political realities are putting pressure on the governments in India and Pakistan to avoid conflict and ensure stability in the region. Domestically, civil society and business community is increasingly becoming vocal for peace. This is combined with the challenges of nation building that these states are facing for pursuing traditional parameters of national security as against human security. It is impossible to ensure human security unless political choices are made to release more resources for the welfare of the people. And for that conflict resolution in the region becomes an essential prerequisite.

Internationally, the political climate has drastically changed after the end of the cold war and more so after 9/11 which has shifted US focus to fighting terrorism, extremism and Islamic fundamentalism, most of the times all linked together. The growing perception is that the international community, especially the US wants stability in the region so as to ensure its political, strategic and economic interests. Thereby, it is strongly supporting the peace process and wants to play an active role as a 'peace maker' in the region. Pakistan seeks US mediation/facilitation over Kashmir, while India is quite reluctant about it. The crucial question is how the perception of new realities and the US facilitation would actually impact on the peace process?

#### **The Peace Process 2004**

The present peace process was set into motion when Prime Minister Vajpayee in his speech from Srinagar on 18 April 2003, offered a 'hand of friendship' to Pakistan, and later in the Parliament

called for yet another effort to resolve Kashmir dispute. Pakistan responded positively and offered unilateral ceasefire on the LOC that India endorsed. As a result a ceasefire on the LoC and Siachen came into effect from 26 November 2003. Meanwhile there was slow restoration of communication and diplomatic links, snapped in the wake of 13 December 2001 attack on the Indian Parliament. A flurry of good will visits by civil society groups, cultural exchanges and 'cricket diplomacy' also improved the atmospherics and much postponed SAARC summit took place in January 2004. At the end of the summit on January 6, the two sides signed a joint statement, given lot of importance by both sides. Its operative part said:

Prime Minister Vajpayee said that in order to take forward and sustain the dialogue process, violence, hostility and terrorism must be prevented. President Musharraf reassured Prime Minister Vajpayee that he will not permit any territory under Pakistan's control to be used to support terrorism in any manner. President Musharraf emphasized that a sustained and productive dialogue addressing all issues would lead to positive results.<sup>3</sup>

Significantly, it stated:

The two leaders are confident that the resumption of the composite dialogue will lead to peaceful settlement of all bilateral issues, including Jammu and Kashmir, to the satisfaction of both sides.<sup>4</sup>

In a press conference later Musharraf declared: 'History has been made'.<sup>5</sup> Expressing similar sentiments India's then Deputy Prime Minister, L.K. Advani observed: 'a breakthrough has been achieved in the Indo-Pak relations....'<sup>6</sup> The Kashmiris on both sides of the LoC including the All Party Hurriyat Conference (APHC) welcomed the joint statement and resumption of India- Pakistan dialogue. The joint statement forms basis of the current peace process and reflects the importance attached to the issue of 'terrorism' and 'Kashmir' by India and Pakistan respectively. Before January 6 statement, Pakistan was following a 'Kashmir first' approach while India was linking the resumption of dialogue to the ending of 'cross-border terrorism'. Now, the two accepted the principle of simultaneity. Pakistan agreed to ensure its full cooperation in ending 'violence' or 'terrorism', while India agreed to a 'sustained and productive dialogue' leading to the settlement of

Kashmir dispute. This provided a negotiating framework for the peace process. The issues taken up by composite dialogue at different levels include peace and security, including CBMs, Jammu and Kashmir, Siachen, Wullar Barrage/Tulbal Navigation Project, Sir Creek, terrorism and drug trafficking, economic and commercial cooperation and promotion of friendly exchanges in various fields.

Over last two years of the composite dialogue, there had been a significant forward movement in the normalisation process between the two countries while the conflict resolution process lagged far behind. A number of CBMs, especially in the area of cultural exchanges and people to people contact were agreed, and ostensibly an ambience for dialogue was created to resolve the more complex issues including Kashmir tangle. The divergence of perceptions, however, has been quite evident in the approaches that the two sides adopted regarding the peace process, the significance they attached to the CBMs and the ideas they held regarding the resolution of the Kashmir dispute.

### **Approaches to Peace Process**

The divergence of perceptions held by two sides is most obvious in the approaches adopted by the two parties to the peace process. Broadly speaking, Pakistan is pursuing a 'conflict resolution' approach and is seeking a final resolution of the Kashmir dispute. On the contrary, India is following a 'conflict management' approach and is looking for an end to what it calls 'cross-border terrorism' or 'infiltration' into Indian held Kashmir. A close examination of the three rounds of talks and various statements emanating from the top leadership on both sides clearly show that the two have been unable to narrow the gap between these two dichotomist approaches.

After change of guards in New Delhi in May 2004, certain statements, especially those from India's Minister for External affairs calling on a 'multi-speed dialogue', where Kashmir does not hold up progress on other matters; 'China model' implying putting Kashmir<sup>7</sup> on the back burner and reference to Shimla as a 'bedrock' of bilateral relations clearly indicated that New Delhi had adopted a

‘crisis management’ strategy. This greatly irked President Musharraf who in a statement declared that ‘talks could not begin on the assumption that the LoC [Line of Control] would be made permanent.’<sup>8</sup> This clearly showed that Pakistan was following a conflict resolution approach and hoped for a serious dialogue on Kashmir.

This divergence in approaches has determined progress in the composite dialogue during the last three rounds of talks. In September 2004, after reviewing the progress made in the talks, the foreign secretaries reiterated to ‘carry the process forward in an atmosphere free from terrorism and violence’ and ‘continue with the serious and sustained dialogue to find a peaceful negotiated final settlement’ of the Kashmir dispute.<sup>9</sup> The atmospherics during the talks were more revealing. Indian foreign minister Natwar Singh stated: “differences” in perceptions persisted and India’s serious concerns on cross-border infiltrations remained.’ While, Pakistani foreign minister Kasuri, highlighted: ‘if we wish to put our relations on even keel, we [would] have to tackle with the J&K issue’.<sup>10</sup> Further, Prime Minister Manmohan Singh in his meeting with Kasuri called for ‘full implementation’ of the 6 January commitment of not allowing any Pakistani territory for use by terrorists.

The key concerns of both Pakistan and India – ‘Kashmir’ and ‘terrorism’ were also clearly brought out in the joint statement, issued at the end of second round of talks, held in October 2005. It stated:

The ministers reiterated that possible options for a peaceful, negotiated settlement of the issue of Jammu and Kashmir should be explored in a sincere, purposeful and forward-looking manner. The ministers reaffirmed their determination not to allow terrorism to impede the peace process.<sup>11</sup>

Pakistan’s growing frustration with the slow pace of dialogue on Kashmir was quite visible during the second and third round of talks. In his meeting with Indian Minister for External Affairs in October 2005, President Musharraf emphasised the importance of addressing the substantive issues particularly ‘Kashmir’ and achieving tangible progress during the third round of

the composite dialogue. Musharraf stressed that both countries should build on the improvement in relations and the confidence that has evolved. For that, he felt, the two countries have to approach the problems with 'sincerity, flexibility and boldness.' Similarly, Prime Minister Shaukat Aziz in his meeting with Natwar Singh in October 2005, emphasised that progress on all areas of the composite dialogue should move in tandem and lead to early resolution of Kashmir issue.<sup>12</sup> He underscored that Pakistan would not encourage Indian traders till India showed positive signs of moving towards resolving Kashmir.<sup>13</sup> This showed that at the end of second round, Pakistan was becoming wary of the conflict management approach followed by the New Delhi.

In contrast, for India, Pakistan's efforts to curb terrorism have remained unconvincing. This has been despite Pakistan's repeated assurances to India to control terrorism by banning and cracking down on *jihadi* outfits. Further, Pakistan strongly condemned various acts of terrorism in India and Occupied Kashmir. Nonetheless, India continues to point fingers at Pakistan in the acts of terrorism taking place in India or Occupied Kashmir and threatens to suspend the peace process if Pakistan fails to 'dismantle infrastructure of terrorism'. After July 2005, bomb attack in Srinagar, Prime Minister Manmohan Singh said, he 'would not be able to go against public opinion if acts of terrorism can't be controlled. It affects my capacity to push forward the process of dialogue with Pakistan.'<sup>14</sup> In his Independence Day address in August 2005, he termed Pakistan's steps to curb terrorism as "half-hearted efforts" and stressed, 'it is necessary that entire infrastructure of terrorism is totally dismantled.'<sup>15</sup> He also told President Bush that 'Islamabad still controls the flow of terror' into Jammu and Kashmir,<sup>16</sup> and talked about Pakistani nukes falling into the hands of *jihadis*. Moreover, at New York UN General Assembly session, Manmohan Singh raised the issue of 'cross-border terrorism directed against [India's] unity and territorial integrity.'<sup>17</sup> This implied that India's sole concern was to exert pressure on Pakistan to ensure end of terrorism in India to the satisfaction of the Indian government.

Pakistan has dismissed Indian charges on terrorism and repeatedly emphasized that there was 'no infrastructure of terrorism

anywhere in Pakistan or in territories under Pakistan's control.'<sup>18</sup> In contrast, in an interview with the *Daily Telegraph*, (London- 14 August) President Musharraf stressed on fast pace forward movement on resolving Kashmir, which would help him in dealing with extremism. He said:

I see the sincerity of the Indian leadership. But if we can move faster towards a resolution of Kashmir, my hands will be stronger to deal with extremism...We can only control extremists to a degree. But, there will be nowhere for the extremists to go once there is settlement of Kashmir.<sup>19</sup>

Musharraf also told President Bush that India's troops reduction would unlock a solution to the Kashmir issue.<sup>20</sup> In September 2005, at New York, he highlighted the 'legitimate struggle of the Kashmiri people to exercise their right of self-determination in accordance with the UN resolution.'<sup>21</sup> He urged India, 'if it is genuinely concerned about cross-LoC infiltration to agree to a viable mechanism to monitor this on both sides.' The hardening of postures on both sides, however, dissipated the possibility of any breakthrough at the Musharraf-Manmohan summit at New York in September 2005. As a result the two leaders could agree only to 'continue the hard work and carry forward the peace process'.<sup>22</sup> This showed that the principle of simultaneity adopted in 6 January statement was wearing thin during the second round of composite dialogue. The gap widened during the third round of the talks.

The Mumbai bomb train blasts underscored the divergence of approaches and the fragility of the peace process. Despite Pakistan's condemnation of Mumbai blasts as a 'despicable act of terrorism'<sup>23</sup> and assurance to India 'in tracking down terrorists, or even a particular organisation,' if it gives proof to Pakistan,<sup>24</sup> India unilaterally suspended the composite dialogue. India pointed fingers at Lashkar-e-Toiba and called on Pakistan to take "urgent steps" 'to dismantle the infrastructure of terrorism, act resolutely against terrorist groups and uphold its commitment to end extremism'.<sup>25</sup> On 15 July, Manmohan Singh alleged that his government had 'credible information that terror modules ...[in India] were instigated, inspired and supported by elements across the border'.<sup>26</sup>

In another statement, he demanded firm commitments that 'Pakistan territory is not used to promote terrorist acts directed against India' and urged these commitments needed to be 'backed by action on the ground.'<sup>27</sup> This created lot of uncertainty regarding the future of the composite dialogue.

The Mumbai blasts also had direct bearings on Kashmir. Defence Minister Pranab Mukherjee linked the Mumbai blasts with the reduction of troops in Kashmir and questioned: 'How can we reduce [the number of] troops as long as Pakistan does not keep its promise of not allowing its land to be used by terrorists against India'.<sup>28</sup> Voices were also raised in the Bharatiya Janata Party (BJP) camp for 'hot pursuit' of the terrorists which invoked harsh response from Pakistan. President Musharraf warned that any 'punitive' action against Pakistan would be paid back in the same coin. 'Nobody should have this wishful thinking that Pakistan will bear any kind of adventure inside its territory.'<sup>29</sup> However, after a spate of hard talk, the foreign secretaries of India and Pakistan met on the sidelines of SAARC ministerial meeting held in Dhaka on 2 August 2006, and renewed their commitment to the peace process. Although it allayed the fears that the peace process would not be disrupted, however it has not yet led to the resumption of talks.

Another area where divergent perceptions are influencing the peace process is the importance attached by two sides to the CBMs in the peace process.

### **CBMs & the Peace Process**

India and Pakistan vastly differ on the role of the CBMs in the peace process. Although both agree that CBMs create an ambience for the dialogue process, they differ on the ultimate role of the CBMs in the peace process. Pakistan feels that CBMs are means to an end, while India believes that they are an end goal itself. Within this context, India has laid more emphasis on people to people contacts and growth of trade and commerce relations. India argues that a phenomenal growth in these areas would improve the atmospherics that will help in resolving the politically more contentious issues, including Kashmir. This is manifested in India's



outright emphasis on CBMs in communication links, cultural exchanges and people to people contacts. Pakistan on the other hand is interested in parallel progress on Kashmir specific CBMs and considers the resolution of Kashmir dispute as the biggest CBM.

During the last three rounds of talks, positive forward movement in the CBMs was discernable in three areas- strategic sector, the people-to-people contacts and economic cooperation. In the strategic domain, the pre-notification of flight-testing of ballistic missiles agreement along with an earlier agreement on prohibiting attacks on nuclear facilities (1988) were major CBMs between the two countries.<sup>30</sup> There was major progress in facilitating people to people contacts by improving air, rail and bus links. Visas regime was much liberalised than previously and people-to-people exchanges grew exponentially in the last year. The increased communications links are contributing in improving the atmospherics between the two countries. There was release of prisoners by both sides including straying fishermen who are frequently taken in by both sides. In September 2005, India and Pakistan freed 583 prisoners including 371 fishermen and 148 prisoners.<sup>31</sup> In addition, on 30 June 2006, another bunch of 57 civilian prisoners, 38 Pakistanis and 19 Indians was exchanged.<sup>32</sup> In this context, the agreement on memorandum of understanding for the establishment of a communication link between Pakistan Maritime Security Agency and the Indian Coast Guards was expected to pre-empt the taking of such prisoners in future.

There was a reasonable progress in the area of economic and trade relations. A major achievement was the revival of Joint Economic Commission and Joint Business Council. A Joint Study Group was also set up to explore the area of economic cooperation between the two countries. As a result official bilateral trade between India and Pakistan went up from \$ 161 million five years ago to over \$ 1 billion with an increase of \$ 400 million in 2005 alone.<sup>33</sup> Besides, the two sides have looked positively on the Iran-Pakistan-India gas pipeline project.

While, there were mixed results on the economic front, there was no progress on the lesser contentious issues, such as Siachen,

Sir Creek, Wullar Barrage, Baglihar, and Kishanganga project. Negotiations on Siachen and Sir Creek are going on but have not made any real progress so far. There were indications that some common understanding would emerge on Siachen, but defense secretaries talks on 24 May 2006 ended in failure. On Sir Creek, the two sides agreed to consider options for the delimitation of maritime boundary between the two countries and to undertake joint survey of the Sir Creek. On Wullar barrage, Baglihar and Kishanganga projects, the talks remained unproductive. On Baglihar, Pakistan was left with no choice but to move the World Bank for arbitration as provided for in the Indus Water Treaty. There were reports that Islamabad was also preparing to take up the Kishanganga issue with the World Bank. Meanwhile, New Delhi has announced to modify Kishanganga hydro-electric project but apprehensions have continued in Pakistan. Experts say that New Delhi has not addressed Pakistan's main objection that the project will divert Neelum River water to the Jhelum through the Madhumati rivulet.

There have been a limited number of Kashmir specific CBMs such as a ceasefire on the LoC, resumption of Srinagar-Muzaffarabad bus service (April 2005), the visits of APHC leaders to AJK and Pakistan, visits of Indian and Pakistani journalists to the two Kashmiris and a monthly flag meetings along the LoC between the local area commanders. India also reopened dialogue with the moderate faction of the APHC, but it has not produced any tangible results. On the contrary, in his meeting with APHC leaders in September 2005, Prime Minister Manmohan Singh linked the reduction in the security forces in Occupied Kashmir to 'ending of cross-border terrorism'. There is also a lot of ambiguity on the participation of Kashmiris in the dialogue process. While Pakistan is for a trilateral dialogue involving Pakistan, Indian and Kashmiris, India wants to deal with APHC bilaterally. Pakistan has also stressed on an extension of ceasefire to Occupied Kashmir, gradual reduction of troops in Kashmir, the release of political prisoners, check on human rights violations. India has linked all these steps to the security situation in Kashmir.

The devastating earthquake on 8 October 2005, led to limited cooperation between the two countries for a while. It was, however,

restricted to relief activities and the opening of five cross-LoC points, which were already under active considerations. The points were opened up to provide relief to the quake victims and facilitate meetings between the divided families. Later, the two sides agreed to Poonch-Rawalakot bus service and a truck service for trade on the Srinagar-Muzaffarabad route.

The back channel diplomacy has also been playing an active role in breaking deadlocks in the peace process, especially on Kashmir. It has helped in arriving at a compromise on the issue of travelling documents regarding Srinagar-Muzaffarabad bus service. According to press reports the back-channel meetings are also discussing Musharraf's proposal on 'self-governance'.

### **Perspectives on Solution of Kashmir**

There are vast differences between the two sides regarding the solution of the Kashmir dispute. While, Pakistan has shown remarkable flexibility and imaginative thinking in offering different proposals that can satisfy aspirations of Kashmiris' while taking care of India's and Pakistan's sensitivities in Kashmir. India, on the other has not yet budged an inch from its officially stated position.

President Musharraf taking lead in 'out of box thinking', demonstrated greater 'flexibility'. He talked about going 'beyond stated positions' and offered to drop the demand for a UN-mandated plebiscite in Kashmir and meet India 'halfway' to resolve the dispute.<sup>34</sup> His offer was considered a bold and courageous step and a 'major gamble as far as public opinion [was] concerned'.<sup>35</sup> Musharraf has been advocating a four-stage formula for the resolution of Kashmir. The four stages are : the recognition of Kashmir as a dispute, the initiation of a dialogue, shedding of mutually unacceptable solutions, and securing a win-win situation.

As India agreed to a purposeful dialogue by exploring peaceful options in resolving Kashmir, Musharraf put forward a number of proposals identifying potential options. In October 2004, he proposed a three phased formula. In the first phase seven regions of Kashmir along ethnic and geographic lines would be identified.

They are : Jammu, Rajouri-Poonch, Kashmir Valley, Kargil and Ladakh in India-IHK and AJK and Northern Areas in Pakistan.<sup>36</sup> These would be demilitarised in the second phase and their legal and constitutional status in the third and final phase. This could take many shapes, including options such as a condominium, UN control or any other agreed formula. In another proposal floated in 2005, Musharraf suggested 'demilitarisation and maximum self-governance' for Kashmir. The basic premise of Musharraf proposals is that solution to Kashmir cannot be found in status quo, insistence on plebiscite or converting the LoC into a permanent border but in a creative resolution based on concessions by all sides, yet meeting the aspirations of the Kashmiris.

India has neither responded positively to Musharraf's proposals nor has it shown matching 'flexibility' and 'boldness' as demonstrated by Pakistan. There is no substantive statement coming from the Indian leadership indicating that India is moving away from its stated position on Kashmir that it is an integral part of India. India continues to insist that settlement of Kashmir dispute should be autonomy within framework of the Indian union. In May 2004, in an interview with Jonathan Power, Manmohan Singh responding to a question that how far he would accept a compromise with Pakistan on Kashmir said: '[Short] of secession, short of redrawing boundaries, the Indian establishment can live with anything as far as question of Kashmir and Pakistan is concerned.'<sup>37</sup> He added: 'We need soft borders- then borders are not important... People on the both sides of the border should be able to move freely'. On the question of plebiscite promised by Nehru, he observed: 'a plebiscite would take place on a religious basis. It would unsettle everything. No GOI [government of India] could survive that. Autonomy we are prepared to consider. All these things are negotiable. But an independent Kashmir would become a hotbed of fundamentalism'.<sup>38</sup> This implied that Manmohan Singh was thinking of soft borders as an eventual resolution of Kashmir. In his first address to the nation, as Prime Minister, Manmohan Singh talked about national consensus on the issue which may be threatened by issue of terrorism. He said: 'We recognize that resolution of major issues requires national consensus and accommodation of public sentiment in both countries. It is self-evident that terrorism and violence would

cast a dark shadow over this process.<sup>39</sup> The issue of terrorism has certainly determined the direction and pace of the peace process in the last three rounds of talks. It has also affected dialogue on Kashmir.

Against this backdrop, Manmohan Singh has repeatedly stated that India will not accept any ‘redrawing of boundaries’, or division of Kashmir on ‘religious lines.’ Hence, India rejected Musharraf’s seven-region proposal saying that it constituted a division of Kashmir on religious lines. Manmohan Singh said: ‘any proposal that smacks of a further division of our country on the basis of religion is not going to be acceptable to us’. India has also not responded favourably to Pakistan’s proposal of “self governance” and “demilitarisation” and reaffirmed that there would be no re-deployment of security forces while terrorism, violence and ‘infiltration’ continued.

#### ***Peace Process: Way Forward***

Peace process between the adversaries who have been at loggerheads over half a century, fighting wars, half wars, engaging in military brinkmanship and coercive diplomacy is certainly a difficult process. The hardened perceptions and trust deficit have not only slowed down the peace process but has the potential to disrupt the dialogue process itself. It is in the interest of both countries to remove hurdles in the way of normalisation as well as conflict resolution process. For that both sides need to take Trust and Confidence Building Measures (TCBMs) which would bridge the huge gap between the perceptions held by the two sides regarding approaches to peace process, linkage between CBMs and the peace process and finally the solution of the Kashmir dispute. These may include:

- Consolidation of ceasefire on the LoC by reducing troops on the LoC and within Indian-held Kashmir.
- Extension of ceasefire to the militants in Indian-held Kashmir supported by Pakistan and militants and involving them in intra-Kashmir dialogue process.

- Fast track movement on the resolution of Siachen and Sir Creek disputes.
- Devising mechanism to resolve Baghlihar and Kishengagna water issues.
- Devising mechanism to monitor so called cross-LoC 'infiltration' and sharing of information and cooperation in investigating acts of terrorism in India/Kashmir, where India alleges involvement of elements from Pakistan-based jihadi groups.
- Strengthening intra-Kashmiri dialogue and allowing Kashmiri representatives of all the important constituents and faiths of J&K to explore different options that satisfy their aspirations without impinging on New Delhi's or Islamabad's sensitivities.
- Initiating serious bilateral dialogue on exploring options on resolution of the Kashmir dispute and involving representatives of Kashmiris's on both sides of the LoC in the dialogue process when it is feasible.
- Ending hostile propaganda that can undermine the dialogue process between the two countries.
- Strengthening back channel diplomacy/contacts that can help in breaking deadlocks.
- Expanding economic/trade ties and strengthening of people to people exchanges.

These steps would not only strengthen conflict resolution process but would sustain the peace process and provide impetus to economic and trade relations and people to people contact between the two countries. It would be pertinent here to state that a sustained US support for the dialogue process is a must and would play an important role in the conflict resolution process between India and Pakistan.

### **Conclusion**

Three years of composite dialogue shows that the peace process is moving very slow on the substantive issues. The success of the CBMs is only limited to cultural exchanges and people to people contacts and has not contributed much in resolving the lesser

contentious issues. Kashmir and terrorism continue to dominate the political agenda of the two countries, and divergence of perceptions on both has held back any concrete progress in the composite dialogue. There is an urgent need to strengthen the peace process by addressing the trust deficit and showing greater flexibility and understanding in tackling the issue of terrorism and taking steps to resolve the Kashmir dispute to the satisfaction of Pakistan, India and the Kashmiris.

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## STRATEGIC STABILITY: NUCLEAR AND CONVENTIONAL DIMENSIONS

*Lt Gen (Retd) Asad Durrani*

Strategic stability is a nebulous concept. A region may be seen as strategically 'stable' or 'unstable' depending upon one's perspective, and by reading, differently, the same given environment. South Asia aptly illustrates this ambivalence. During the first twenty five years of their existence as separate states, India and Pakistan fought two wars<sup>1</sup>. Ever since, despite many crises, both before and after the nuclear tests of 1998, they have avoided a major armed conflict. Are the relations between the two now strategically stable?

Most analysts from the Region suggest that they are. Their main rationale is that even if some of these crises like the Kargil crisis of 1999 and the 2002 Standoff were serious, the two countries prevented an escalation. The argument against, mostly from outside the Region, is as convincing: "Although both India and Pakistan are now nuclear weapon states, their relations remain crisis prone with the outside powers often having to intervene. This is evidence enough that South Asia was strategically unstable<sup>2</sup>".

The two lines of argument are overly simplistic. Strategic stability is not a static state. According to Shaun Gregory<sup>3</sup>: it is "*subject to change over time (in crises perhaps even on a minute-by-minute basis), and (to) the vagaries of events and process outcomes; within the state (for example the rise of religious extremism, the terrorist threat); within the region (for example, asymmetric economic development, the war on terrorism, the role of external players such as the United States and China); and at the international level (for example, globalisation)*". That the strategic stability cannot be taken for granted is also emphasized by Jehangir Karamat<sup>4</sup>: "*miscalculations and accidents can lead to inadvertent military conflict, escalation and use of nuclear weapons*".

Like absolute security, absolute stability, too, was a rare phenomenon. In strained relationships, crises were inevitable. If the

adversaries had the motivation and the capacity to defuse them, or prevent them from escalating to a state of general war, their relations were potentially stable. This article aims to assess if India and Pakistan had the ability and the will to restore stability whenever it was disturbed.

### **Deterrence Stability**

Deterrence stability is the first criterion used by Shaun Gregory<sup>5</sup> to evaluate strategic stability. “- that each side is credibly deterred (by the other)... (and) there is no uncertainty in the minds of either (about) the pillars on which deterrence rests: means to deter; ability and willingness to carryout deterrence threats; assured control of deterrent forces; and rational adversaries making expected cost-benefit calculus”. It would seem that since some of these pillars were not static- like the ‘means to deter’ (countries constantly refining and improving their arms inventories; “arms racing” in common language) - deterrence stability needed to be constantly restored. The logic is not strictly applicable to a nuclear environment.

A country that can survive a ‘first strike’ with sufficient of its own nuclear assets to inflict “unacceptable” damage upon the aggressor, has a credible nuclear deterrence. And since there was no assured way to eliminate, even neutralise, the entire nuclear arsenal of any country (one may not know about all of them; even if one did, some weapons may not be accurately located, or may move before engagement; and some of them even when correctly identified and located, may not be effectively engaged), nuclear powers mutually deter use of nukes. Conventional deterrence, however, is a different ballgame.

To be effective, conventional deterrence must create a reasonable doubt in the mind of an aggressor that he may not achieve his objective. The most likely outcome of a conventional war between India and Pakistan was a “strategic stalemate”. This alone was sufficient reason to assume that neither side was likely to plan a “big war”. (The other reason of course is that major wars carry greater risk of nuclear conflagration.) That however did not preclude either side pursuing a more limited objective. India for

example may find initiating war a political compulsion; like for example when its parliament was attacked.

The problem is that some of our vulnerable areas are close to the Indian borders and are threatened even in a limited conflict. Moreover, we are sensitive to the threats of war as these affect our economic activity. We therefore like to caution that even a limited war between India and Pakistan would escalate "beyond control"- a euphemism for crossing of the nuclear threshold. This "threat" would not impress unless backed by a will to use nuclear weapons early in the battle.

For credible nuclear deterrence, an important prerequisite is that in a *certain situation* (that though not clearly defined but would certainly be extraordinary) nuclear weapons might be used. This assumption must be made despite the possibility that even in a desperate situation a decision, that regardless of what it did to the enemy would most likely spell "the end" for own side, *might not be taken*. In other words: the side under duress that has the onus to pull the nuclear trigger opts not to do so. In nuclear parlance, it is called "self deterrence": abandoning a course of action because of its likely consequences. Hence, there are good reasons that the nuclear powers are reluctant to define nuclear thresholds. If declared, it would not only indicate the losses a country was prepared to accept, but also commit it to a decision that it would rather not have to take. Nuclear thresholds therefore, whether declared or not, were bound to be reasonably high; certainly higher than were likely to be crossed in limited wars.

In any case, having initiated Kargil in the belief that after our overt nuclearisation limited conflicts were unlikely to become nuclear, suggesting now that they could, sounds a bit disingenuous. It is more likely in fact that because of the risks of a major conflict, both India and Pakistan (indeed supported by interested outsiders) would carefully contain their conflicts to tactical levels. Strategic stability, therefore, remains "technically" in place.

### **Arms Race Stability**

We have already argued that a nuclear arms race was unnecessary, and is indeed undesirable. But it would be unrealistic to expect that in a conflictual relationship, adversaries would remain unmoved by, or unconcerned with, nuclear acquisitions by the opposite number. Besides possible military implications, these also impact the public opinion. And lest one forgets, nuclear weapons were in the first place instrument of politics. That explains, to some extent, the interest our people take in missile development.

Delivery means, demonstrated or generally acknowledged to be effective, are an important part of credible deterrence. Unconventional carriers, suitcase bombs for example, are difficult to demonstrate and therefore do not serve the purpose. An aircraft on the other hand, being more vulnerable to interception, was not the most preferred carrier. As delivery means therefore, nuclear capable missiles become our mainstay. Their range, though not all important, plays a significant role in the public debate that builds the psychological environment.

In theory, any missile that could reach important Indian cities like Delhi would do. People's morale, however, was better served if we had all of India in range. On the other hand, if the Indians developed a missile like the Agni that covered all our territory, we would rather believe that since Pakistan could be engaged with shorter range missiles, Agni must be meant for other countries- China for example. This line of argument serves a dual purpose: it deflects attention from Agni's comparative invulnerability; and in public perception, gets China and others join-in on our side.

The missile race between the two countries is indeed aimed at objectives beyond psychological warfare. Besides range, speed and payload; since missile interception systems are likely to be improved and refined, miniaturisation will be an important development objective. There was, therefore, little chance that in the foreseeable future India would induct a ballistic missile defence system (like the one based on Patriot Advance Capability 3

missiles). The rationale again is a direct corollary of the nuclear environment.

Defence against nuclear attack was effective only if it was foolproof. Even one missile that got through could do “unacceptable” damage. No system was likely to ensure such protection. Even if one did, the other side would find unconventional means of delivery, further complicating deterrence stability. Moreover, since Pakistan would soon acquire sea-based delivery systems, India could ill afford the cost of all-round coverage. It may however buy some of these systems for technological reasons.

A major indicator that both India and Pakistan wished to maintain nuclear stability was their conscious decision not to produce or induct tactical nuclear weapons. Admittedly, the cost and the effect (tactical weapons creating strategic effects in our operational environment) may also have constrained them; but the symbolism was still important. Acquiring this capability would indicate lack of faith in deterrence and, therefore, preparation to fight a nuclear war.

Maintaining conventional stability through arms acquisition was a more complex affair.

Stability at both conventional and nuclear levels may be conducive for peace; but if it denied any military option- any good one at least- then that is not what states like India and Pakistan desire deep down. Pakistan as the smaller country would then consider developing sub-conventional means. And, India, its nuclear superiority being practically unusable, would genuinely seek a cutting conventional edge. Dr Rodney Jones succinctly asks the question: “is the instability due to conventional imbalance”? And then provides an answer: “in future, the disparity in the two air forces would be the most serious factor for the conventional *and the unconventional* instability”<sup>6</sup>.

The Indian desire to achieve decisive advantage in air to compliment its maritime superiority makes plenty of sense. The

terrain configuration in the southern half of Pakistan, desert and the coastline, is more suitable for mechanised operations supported by seaborne forces. Air superiority here would play a vital role. If Pakistan tried to maintain conventional equilibrium, it was likely to suffer the *Soviet Syndrome*<sup>7</sup>. The problem is that Pakistan can only escape this trap by displaying a clear resolve to lower its nuclear threshold. I suspect this is what Dr Jones implied by “the conventional imbalance resulting in conventional *and unconventional* instability”. Defence collaboration between India and the US- a part of their bigger deal of July 2005- thus has a serious implication for Indo-Pak strategic stability: it lowers Pakistan’s nuclear threshold.

Pakistan has a range of ‘unhappy’ choices to restore stability if India’s drive to upset the conventional balance continued: exhaust itself in a conventional arms race; show resolve for early use of nuclear weapons; try to dissuade India from seeking an unbalancing advantage; or unconventional means. Carrying the peace process to an “irreversible” stage would be a ‘happy’, though not an autonomous, choice.

### **Crisis Stability**

Dr Gregory defines the crises that can threaten strategic stability as “periods of unanticipated threats to core norms, values and interests, characterized by time urgency and the risk of imminent escalation”<sup>8</sup> Indeed, there have been a number of events after the last major war between India and Pakistan in 1971, that were regarded as *crises* (some of them beyond their control), but did not escalate into serious armed conflict.

The two invasions of Afghanistan- by the Soviet Union in 1979 and by the US in 2001- were certainly serious crises for Pakistan. Paradoxically, they improved Indo-Pak stability *by inducting external stabilizers*. The uprising in Kashmir in 1990 again had the potential and, according to many, all the making of a war between the two countries. The then American president, Bush senior, sent Robert Gates, his deputy national security advisor, to help prevent a “nuclear conflict”. The fact is that India -probably for

domestic reasons- mobilized symbolically, and Pakistan hardly moved a soldier out of barracks.

Then there were two comparable developments with widely different consequences. Indian incursion in the Siachen Glacier area (1984) resulted in a low intensity local conflict that has lasted the last two decades, but is not seen as “destabilizing”. Pakistan’s crossing of the LOC in Kargil (1999), on the other hand, raised universal alarm, got the US president involved, and even though the conflict remained limited, Pakistan was blamed for trying to upset a delicate balance in a nuclear setting. Obviously, strategic stability is a function of the total environment. It also explains why apparently a more serious crisis, the standoff of 2002, was unlikely to lead to a major conventional war, let alone to a nuclear holocaust.

Mobilisation by India, after the alleged terrorist attacks on its parliament, was a political compulsion- to demonstrate that India could give a befitting response. It was also opportunism to get onto the “terrorism bandwagon”. There was however little chance, except by accident, that either side started a serious conflict of uncertain consequences under the full global gaze and within striking distance of the American forces. But it did serve an additional, perhaps the primary, purpose: it created multiple pressures on Pakistan regarding its role in the Kashmiri resistance. Major external powers insisted that we renounced all material support. Domestic sentiment on the other hand was to resist this pressure. Paradoxically, when the crisis was over, conditions to restore strategic stability had become more favourable.

*(“In the real world it is not just the existence of power, but the nagging fear that it might be used, which deters the aggressor”- Nixon.)* After the overt nuclearisation of the Subcontinent, Pakistan mistakenly believed that the prospects of a nuclear war alone were enough to help resolve the Kashmir dispute. It therefore often insinuated that if the issue was not resolved, a nuclear war might ensue. It found-out overtime that its resolve to use nukes in pursuit of this objective, and therefore these threats, were not credible. India, as we have already argued, used threat of a conventional conflict to good effect. Once the full mobilisation of 2002, that made



this threat as credible as it could, was rolled back, this card too had run its course. The peace process that restarted soon thereafter was helpful. But even if had not, with the threats of war now receding, relations between the two countries were bound to become more stable.

Strategic stability is indeed subject to the vagaries of events, and one can always add to the list (3). Another attack on a sensitive Indian target (by terrorists or a rogue operation); Indo-US collaboration; India and Afghanistan, encouraged by the US, beleaguering Pakistan for not doing enough on cross-border violations; all that and much more can destabilise the Region. But the core question still remains germane: would India and Pakistan do more to defuse the crisis; or would they let it escalate into war in the belief that it would either be contained below the perceived nuclear threshold, or that the self deterrence would prevent nuclear conflagration?

### **Conclusion**

A definitive answer to this question was only possible if we assumed that both India and Pakistan were rational actors. In that case, the country precipitating the crisis would hope to achieve its objective through the threat of war or in a limited war; reasonably assured that once the objective was achieved, the hostilities would end, either because the adversary would have no other rational course, or due to third party intervention. Neither country so desperately pursues an objective for which it was willing to push the other to its nuclear threshold or risk testing its limits of self deterrence. Based on past behaviour, we can reasonably assume that the two countries would exercise restraint.

All crises between India and Pakistan, whether they led to an armed conflict or were defused, had many commonalities: these were deliberate, neither side stumbling into a crisis; escalation into war was unhurried, giving crisis management and diplomacy a reasonable chance; and when they did go to war, both of them spared non-military targets to avoid unnecessary ill will. Resisting escalation was also the hallmark of the only post-nuclear armed

encounter (Kargil). The most substantial evidence that both the countries, though obstinate and crisis prone at times, prefer diffusion over aggravation is provided by them invariably returning to the table after a crisis. In this respect their post nuclearisation record is astonishing.

The framework that the two countries invented to resolve their mutual disputes, commonly known as the "composite dialogue", predates their overt nuclearisation. In August 1997, the two foreign secretaries meeting in Islamabad decided that the major issues between India and Pakistan would be taken up by eight working groups and would be settled "in an integrated manner". It was a politically expedient formulation. Otherwise, the simpler problems have obviously to be resolved first to create the right environment to address the more complex issues.

True; the wisdom of the formula has not been matched by the courage needed to implement it. But then it is also true that both Countries reverted to its fold after every crisis. It was an important part of the Lahore Agreement (February 1999) when the two had to find a *modus vivendi* after their nuclear tests. Kargil and the military coup in Pakistan, both in 1999, vitiated the atmosphere. The Agra Summit of July 2001, though it failed to find common grounds, was again an attempt to revive the peace process. The common ground was eventually found after the two countries had been chastened in the aftermath of 9/11 and the Standoff of 2002, in the January 2004 Vajpaae-Musharraf meeting. There may be doubts and reservations about each other's sincerity and on the speed of the process, but neither side has shown any inclination to abandon the track.

That alone bespeaks well for the existing strategic stability. But even if the process was derailed yet again, because of another crisis or due to change of environment, there are good reasons to believe that the sum total of the factors would not let the stability be knocked around too severely.

## End Notes

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1. In 1965 and 1971. The Kashmir war of 1948, often counted as the “third war”, was at best *a limited war*. Operations were restricted to the state of Jammu and Kashmir, and “officially” Pakistan Army was not a party.
2. General Jehangir Karamat, one of our former COAS and CJCSC, in his talk at the Institute of Strategic Stability, Bradford University, on Nuclear Risk Reduction Centres in South Asia, expressed similar views: “for those who observe South Asia from the outside, it is considered a most dangerous place and a region in which a nuclear exchange could be a reality.... This is not what most South Asians think”.
3. Shaun, Gregory, “*Rethinking Strategic Stability in South Asia*”, SASSU Research Report No. 3, September 2005.
4. Jehangir, Karamat, *ibid.*
5. Shaun, Gregory, *ibid.*
6. Rodney W Jones, “*Conventional Military Imbalance and Strategic Stability in South Asia*”, SASSU Research Paper No. 1, March 2005, Page 5.
7. A allegory used to describe situations akin to the Soviet Union’s self destructive approach when keeping pace with the West’s defence capabilities.
8. Shaun Gregory, *opcit.*

## Author

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## INDO-US NUCLEAR DEAL: IMPLICATION FOR INDO – PAK PEACE PROCESS

*Mr. Zafar Nawaz Jaspal*

The United States retains enormous political, economic and strategic advantages in the current international politics. It towers above the rest of the great powers. The much-anticipated global effort to balance against American supremacy—which the Realists have been anticipating for more than fifteen years, now—has simply not occurred. Similarly, Neo-realism, with its faith in the automaticity of balancing behavior, has a hard time with the notion of open-ended unipolarization. With the US emergence as a more powerful actor on the world stage, India reinvented its foreign policy—positioned itself to face the rise of China, replaced state socialism with economic liberalism and openness to globalization, and began to work closely with the world's sole super power. Washington reciprocated by supporting its drive for a Great Power status in the 21<sup>st</sup> century and striking a deal for a far-reaching strategic partnership.

The Bush-Singh summits (July 2005 and March 2006) demonstrated Washington's tilt towards New Delhi as its partner of the twenty-first century. The Bush administration has been fully sympathetic to India's great-power aspirations. In July 2005, the bilateral relationship received a major boost with both the countries pledging to step up cooperation in non-military nuclear activities, civilian space programmes and high-technology trade and expand dialogue on missile defence. Ashton B. Carter wrote that as part of the agreement, President George W. Bush broke with long-standing U.S. policy and openly acknowledged India as a legitimate nuclear power, ending New Delhi's 30-year quest for such recognition.<sup>1</sup> President Bush's March 2006 South Asia tour further consolidated this partnership. New Delhi, today, no longer suspects Washington of trying to undercut its influence in the region.

During the Bush-Singh summits in Washington and Delhi, both sides agreed to broaden their strategic engagement. They agreed on several joint ventures that highlight the breadth of the new

U.S.-India relationship, among them revitalized economic and energy dialogues, a CEO Forum, a Global Democracy Initiative, a Disaster Response Initiative, the completion of the Next Steps in the Strategic Partnership (NSSP) process, and a partnership to fight HIV/AIDS. They launched new efforts in education, agriculture, science, and space launch and agreed to send an Indian astronaut on the Space Shuttle for the first time.<sup>2</sup> But these areas of cooperation have not received much attention. Only Atomic Energy seems to be in the news. The recorded facts indicate that in 1974, before the Pokhran test, the Indian Atomic Energy Commission produced 800 MW of electricity. In 2006, it is producing 2700 MW. This indicates after 32 year just over 1900 MW has been added over three decades. It manifests that Atomic Energy has never been a priority in India. Why both India and the U.S. have been pursuing this controversial deal? What is the impact of nuclear deal on regional politics? The answers of these questions are important for critical analysis of the South Asian political and strategic environment.

It's impossible to understand the logic of Indo-U.S. cementing relationship, especially in the realm of nuclear cooperation, without reference to Washington's larger strategic goals and American business interest in the growing economic market of India.<sup>3</sup> To achieve and sustain its strategic primacy in the international politics, the U.S. needs to build a system of alliances which neutralizes all rivals and dissenters and co-opts previously recalcitrant states-be they 'Old Europe' (which defied the U.S. on Iraq), or Russian Federation and China. Such alliances must contain or counter possible challenges, which might arise from anywhere. That is where India comes in. C. Raja Mohan argued, "it senses that Europe and India have traded places in terms of their attitudes towards United States: while Europe seethes with resentment of U.S. policies, India is giving up on habitually being the first, and most trenchant, critics of Washington. As pessimism overtakes Europe, growing Indian optimism allows New Delhi to support unpopular U.S. policies."<sup>4</sup> Specifically, India's strategic location between West Asia and Southeast Asia, and its pivotal position in South Asia makes it imperative in the U.S. strategic calculations.

Similarly, India is very attractive for the American business due to its growing economic market. It was reported that India's economy grew at 6 percent a year from 1980 to 2002 and 7.5 percent a year from 2002 to 2006. The size of middle class in India is almost 250 million people. It is now the world's fourth-largest economy. Soon it will surpass Japan to become the third-largest.<sup>5</sup> Simultaneously, the Indians consider China a potential adversary. China's relations with Myanmar and Pakistan<sup>6</sup>, its facilities in the Coco Islands off the Andaman and its ability to influence political attitudes in South Asia and in many Indian Ocean littoral states figure prominently in India's security calculus. Mohan Malik argued, "the US and India have similar geo-strategic concerns about China's growing power and influence. For India, which has long regarded China as a strategic adversary, the Bush Administration's characterization of China as 'strategic competitor' rather than a strategic partner was a welcome development."<sup>7</sup>

This convergence of interests has placed India in a special league of the United States and undermined Pakistan's vitality in the latter's foreign and strategic policies. It seems that this strengthening bilateralism would have overwhelming impact on the South Asian politics. The repercussion of the U.S.-India nuclear deal sounds straightforward i.e. arms race between adversaries in the region. Simultaneously, it is a very complex issue because in its literary meaning the nuclear deal is only for increasing the peaceful-use of nuclear technology in India. Indian's irresponsible nuclear history, however, generates pessimistic conclusions. It's a recorded fact that in May 1974, India broke the terms of two nuclear contracts, one with the United States and one with Canada, in which a nuclear reactor and heavy water were provided under a peaceful-use requirement. India secretly shifted materials from these deals to its weapons program—and it continues to do so.<sup>8</sup>

The Indo-U.S. strategic partnership would not only have a potential to increase the asymmetry in the conventional balance of power between India and Pakistan, but it also undermine the balance of terror, which guarantees the strategic stability between belligerent neighbors since May 1998. In addition, the Indo-U.S. cooperation in the field of missile defenses negatively influences the strategic

environment of the region. The following study seeks to examine the likely impacts of the Indo-U.S. nuclear deal on the peace process between India and Pakistan. The paper is divided into three sections. It begins with an elaborated discussion on the Indo-U.S. nuclear deal. It is followed by a brief overview of peace process between India and Pakistan. The third section covers the Indo-U.S. nuclear deal's anticipated implications for the peace process.

### **The Nuclear Deal**

On July 18, 2005 Bush Administration announced civil nuclear cooperation with India. President Bush offered to modify U.S. nonproliferation laws and revise the global nuclear order to facilitate full cooperation with India on civilian nuclear energy.<sup>9</sup> In simple terms it agreed to lift a ban on civilian nuclear technology sales to nuclear-armed India, despite its refusal to sign the nuclear non-proliferation treaty or give up its nuclear arms. This cooperation would effectively grant India highly sought-after access to sensitive nuclear technology only accorded to states in full compliance with global nonproliferation standards. It would also treat India in much the same way as the five original nuclear-weapon states by exempting it from meaningful international nuclear inspections.<sup>10</sup> It is a virtual endorsement of India's nuclear weapons status. Conversely, the previous U.S. administrations adopted the stance that India's nuclear arsenal, which was first tested in 1974, was illegitimate and should be eliminated or at least seriously constrained.

The deal would enable India to obtain enriched uranium to fuel its nuclear reactors; acquire nuclear reactors from the international market; and participate in international nuclear research and development.<sup>11</sup> The implementation of the civil nuclear energy cooperation deal requires the U.S. Congress to alter U.S. laws and policies. Wade Boese wrote, "Perhaps the most ambitious and arguably most controversial commitment was Bush's promise to work toward altering U.S. law and international rules in order to permit full-scale civilian nuclear trade with India."<sup>12</sup> According to the reports the Senate Foreign Relations Committee indicated that it would judge the efficacy of the Indian separation plan in terms of

three criteria—compliance with the International Atomic Energy Agency safeguards, non-assistance to India's nuclear weapons program, and transparency.

The Indian Foreign Secretary Shyam Saran visited Washington on December 21-22, 2005. The primary objective of the visit was to expedite the implementation of agreements and understandings contained in the July 18, 2005 Joint Statement issued following the discussions held between the Indian Prime Minister Manmohan Singh and President George W. Bush. The Indians earnest desire was to implement Indo-U.S. Civil Nuclear deal. Though in July, President Bush agreed to assist India with the development of nuclear energy, but the U.S. Congress was insisting that India demonstrate there should be complete separation between energy and military activities because India was not a member of the Nuclear Non- Proliferation Treaty. The U.S. committed in the 1968 nuclear Nonproliferation Treaty (NPT) "not in any way to assist" a non-nuclear-weapon state's acquisition of nuclear arms. Although New Delhi has not signed the NPT, India under the treaty's terms is a non-nuclear-weapon state because it did not explode a nuclear device before January 1, 1967.<sup>13</sup> The scheme of separation of Indian civilian and military nuclear facilities was adopted by the Bush Administration to convince the international community that its nuclear aid would not contribute in New Delhi's drive for nuclear weapons acquisition. That's why President Bush encouraged India to develop a separation plan that is credible, transparent, and defensible.

Presently, the 45 members of the voluntary Nuclear Suppliers Group restrict nuclear exports to India because it lacks full-scope safeguards, which entails IAEA supervision of all nuclear facilities and materials.<sup>14</sup> During Mr. Saran visit, therefore, the Bush Administration's high ups gave impression that without the prior settlement of the issue regarding the separation of nuclear facilities, i.e. division between civilian and military facilities, the civil nuclear energy cooperation between India and U.S. would not be feasible. The Bush Administration desires to cooperate with India in the nuclear field, but it could not ignore opposition of the anti-nuclear proliferation lobby within or outside the U.S. Congress,



which is against the acceleration of nuclear arms race in South Asia. The high ups in the Bush Administration articulated that the credible and defensible—from a nonproliferation standpoint—separation plan was a prerequisite for proposing legislation to Congress that would create an exception for nuclear cooperation with India.

The campaigner for separation plan opined that it would serve two purposes: politically, it could help to exhibit India's commitment to nonproliferation, and legally, it must ensure U.S. compliance with Article 1 of the NPT. After weighing the pros and cons of the separation plan, New Delhi agreed to separate its civilian and military facilities in return for full civilian nuclear energy cooperation from the United States. In this context, instead of "perpetual" safeguards arrangements between India and the International Atomic Energy Agency (IAEA) that will signal finality to civilian separation, New Delhi is interested in concluding a "voluntary" safeguards arrangement with the IAEA that could allow Delhi to pull nuclear facilities out of the civilian list in the future and put them back to military use. At the same time, the U.S. is not seeking to put under international supervision existing spent nuclear fuel, which contains plutonium, a key ingredient for making nuclear arms. The State Department in response to written questions by Senate Foreign Relations Committee Chairman Richard Lugar (R-Ind.) said that "as most such agreements are not retroactive, we would not expect the agreement to specify that previously produced material must be returned to the plant in order to be placed under safeguards."<sup>15</sup>

The Congress preferred that the separation plan must ensure, and the safeguards must confirm, that Indo-US civil nuclear cooperation would not in any way enhance India's capability to produce nuclear weapons. Importantly, the current U.S. legal standard, and in fact, the international standard now, is that only comprehensive nuclear safeguards provide that level of assurance.<sup>16</sup> Whether the perpetual safeguards arrangement would be able to prevent the Indians from using nuclear material from the declared civilian nuclear facilities for the military usage? It's a debatable question. Indian nuclear fuel cycles for nuclear weapons and energy are intimately intertwined. Moreover, India's diplomats and civil

servants are notorious for adhering to independent positions regarding the nuclear technology.<sup>17</sup> The Senate Foreign Relations Committee criterion contains many loopholes. It is not an alternative to comprehensive safeguards. Moreover, the India's past record reveals that it would violate the agreement. For example, the 40-megawatt Canadian supplied CIRUS reactor located North of Mumbai was proof of an apparent diversion. Hence, it would be difficult to resolve the issues such as CIRUS, which was intended for peaceful use, but was diverted for military purposes.<sup>18</sup>

While adopting a selective and unilateral approach without much regard for the rules that apply to everyone the Bush Administration agreed to finalize the Indo-U.S. nuclear deal. On March 2, 2006 President Bush and Prime Minister Manmohan Singh signed civilian nuclear cooperation pact in New Delhi. They agreed: first to pursue civil nuclear cooperation to allow India to cooperate and trade in this key area. Second, India has agreed to take steps that will bring it into the international non-proliferation mainstream, including placing its civilian nuclear facilities and programs under International Atomic Energy Agency (IAEA) safeguards and adhering to the guidelines of the Nuclear Suppliers Group (NSG) and the Missile Technology Control Regime (MTCR).<sup>19</sup> The pact marked a major breakthrough for New Delhi—long treated as a nuclear pariah by the world—as it allowed to access American atomic technology.<sup>20</sup> While defending his nuclear deal with India, President Bush stated, “this agreement is in our interest and therefore I am confident we can sell this to our congress.”<sup>21</sup>

Realistically, the Indo-US nuclear deal directly contravenes the Nuclear Nonproliferation Treaty (NPT), NSG and the U.S. Nonproliferation Act. India is not a party to NPT. The NPT provides the norm and the foundation for an international regime to prevent the spread of nuclear weapons around the world. The NPT permits vertical proliferation of nuclear weapons and prohibits the horizontal proliferation of nuclear weapons. The Indo-U.S. nuclear deal is a direct violation of the Article 1 of the NPT. Article 1 of the Treaty states that Nuclear Weapon States parties to the Treaty do not transfer to any recipient whatsoever nuclear weapons or control over such weapons or explosive devices directly or indirectly, and not in

any way to assist, encourage or induce any non-weapon state to manufacture or acquire nuclear weapons or control over such weapons. India is a non nuclear weapon state by the treaty definition. According to the Treaty only those states are nuclear weapon states, which conducted their nuclear weapons explosion prior to January 1, 1967. In the words of Strobe Talbott, “no wonder the NPT—originally an American idea that depends on unstinting American support—is in jeopardy.”<sup>22</sup> In addition, to be eligible for importing Part I items (fissile materials, nuclear reactors and equipment, and reprocessing and enrichment equipment) from any Nuclear Supplier Group member, states must have comprehensive IAEA safeguards covering all their nuclear activities and facilities. Thereby, the practicability of the deal requires exceptional changes in the U.S. foreign assistance law. This has to be followed by a consensual vote in the NSG, followed by India specific amendments in the IAEA Safeguards Agreement.

The nuclear deal between India and the U.S. would only become effective once it is approved by a joint Congressional resolution. The Bush Administration has initiated a process to finalize the deal. Consequently, on July 25, 2006 the House of Representatives passed the Resolution Number 5682 that was introduced by Congressman Henry Hyde - the Chairman of the International Relations Committee. It was passed by an overwhelming majority of 359 for and 68 against the resolution. Still, it's not clear what would be the final shape of the law, because Senate approval is awaited. Nevertheless, the passage of the bill and a few associated developments provide a glimpse of what might be in the final legislation. The Senate Foreign Relations Committee had already certified the Resolution 3709 that will be introduced by Senator Richard Lugar in the Senate on which the floor vote is expected in September 2006.

The House Bill permits the President to waive portions of the Atomic Energy Act and sets forth conditions for the waivers. According to the condition list the President has to submit reports on American Foreign Policy objectives and India's Nuclear Program. This include annual reports on the Fissile Material Cut-Off Treaty, India's participation in the Proliferation Security Initiative, U.S.

efforts to dissuade and, if necessary, sanction Iran for its efforts to acquire weapons of mass destruction (WMD), as well as India's fissile material and nuclear weapon production rate and whether imported uranium has enhanced India's nuclear weapon production rate.<sup>23</sup> If India tests a nuclear weapon, nuclear cooperation must stop. The important features of the House Bill are:

- Credible separation plan for India's civil and military nuclear programs.
- IAEA safeguards agreement in perpetuity in accordance with IAEA standards.
- India is making substantial progress toward concluding an Additional Protocol.
- India is working toward the FMCT.
- India is supporting efforts to prevent the spread of enrichment and reprocessing technology.
- India is securing nuclear materials.
- The Nuclear Suppliers Group has decided by consensus to permit nuclear cooperation with India.

Importantly, India has fifteen nuclear reactors in operation, with an installed generating capacity of 3,310 megawatts (MW). Seven more reactors with a capacity of 3,420 MW are under construction and scheduled for completion by 2009. A nuclear reactor is a device in which nuclear chain reactions are initiated, controlled, and sustained at a steady rate (as opposed to a nuclear explosion, where the chain reaction occurs in a split second). The nuclear reactors are used for many purposes, but the most significant current uses are for the generation of electrical power and, for the production of plutonium for use in nuclear weapons. Notably, the first nuclear reactors were used to generate plutonium for nuclear weapons. Presently, only four Indian reactors in operation (capacity 620 MW) and two under construction (capacity 2000 MW) are under International Atomic Energy Agency (IAEA) safeguards.

The Bush Administration had given into the demands from the Indian nuclear lobby. It exempted large portions of Indian nuclear infrastructure from international inspections. To settle a nuclear deal, India classified 14 of its 22 reactors as civilians. These

fourteen nuclear facilities would be under safeguards and opened to international inspections.<sup>24</sup> Eight are deemed military reactors, making them exempt from inspection. Moreover, there had been no mention of facilities such as research reactors enrichment plants or reprocessing facilities being declared as civilians. Reportedly, implementation would be conducted in phases, from 2006 to 2014. India's fast-breeder reactor program—the Fast Breeder Test Reactor and the Prototype Fast Breeder Reactor under construction—is not included in the civilian list.<sup>25</sup> Precisely, fast breeder reactors, which can produce large quantities of the nuclear bomb material plutonium, as military facilities are outside the IAEA's purview. The breeder reactors have been generally regarded as a proliferation concern because of their production of weapon-grade plutonium.

While spelling out the separation plan under the Indo-U.S. nuclear deal, the Indian ruling elite has made clear that India alone would decide which future reactors would be kept in the military category and exempt from any safeguards. On August 17, 2006 Prime Minister Singh reiterated his government's earlier stance in the Rajya Sabha and again in the Lok Sabha on August 23, that India would not bend in the face of U.S. pressure and would not accept any conditions that would go beyond the July 18<sup>th</sup> Joint Statement and the March 2, 2006 separation plan. Strongly refuting the claim that the proposed U.S. Bill, as passed by the House of Representatives, could become an instrument to influence or even dictate Indian foreign policy.<sup>26</sup> In unequivocal terms, Prime Minister Singh further declared that India was "not willing to accept a moratorium on the production of fissile material" and that India was not "prepared to go beyond a unilateral voluntary moratorium on nuclear testing as indicated in the July statement."<sup>27</sup> In simple terms there will be no capping of the India's strategic program and the deal ensures adequacy of fissile material and other inputs to meet current and future requirements of Indian nuclear program.

Ironically, the Bush Administration claimed that its nuclear deal with India would be a net benefit for the global nonproliferation regime. It asserted that quantity of facilities placed under safeguards would provide a good measure for determining the credibility of the plan from a U.S. perspective. Here Bush Administration deliberately

overlooked India's past record in the realm of nuclear and space technological cooperation. India received both nuclear and space technologies under the pretext to use them for peaceful purposes, but it deviated from its commitments and exploited them for making nuclear weapons and missiles. On May 18, 1974, for example, India cheated on its agreements with the U.S. and other nations by using a peaceful nuclear energy program to build a nuclear bomb. It used plutonium produced in a Canadian-supplied reactor to detonate a bomb. In a reaction, Canada terminated its nuclear fuel trade with India and Pakistan. The U.S. endeavored to establish an effective Nuclear Supplier Group. Precisely, a strictly quantitative approach does not address the question of whether the separation plan is defensible from a nonproliferation standpoint. It's because the lift a ban on civilian nuclear technology sales to nuclear-armed India, grant India highly sought-after access to sensitive nuclear technology. This would enable India to obtain enriched uranium to fuel its nuclear reactors; acquire nuclear reactors from the international market; and participate in international nuclear research and development. Even the American nonproliferation experts are skeptical of this deal.<sup>28</sup> They believe that the agreement would permit India to keep its major existing nuclear infrastructure, as well as future elements of its nuclear sector shrouded in secrecy and devoted to manufacturing nuclear weapons. Moreover, this deal would also free up India's limited domestic reserve of uranium for both energy and weapons to be singularly devoted to arms production in the future.

The above discussion proves that Bush Administration did not obtain meaningful commitments from New Delhi—no promise that India would limit its growing nuclear arsenal or take new steps to help combat nuclear proliferation. Indeed the deal would speed up India's nuclear weapons production, because it authorized New Delhi to import uranium, the lack of which had long stalled the progress of its nuclear program. Joseph Cirincione opined; "The deal endorses and assists India's nuclear weapons program. U.S.-supplied uranium fuel would free up India's limited uranium reserves for fuel that would be burned in these reactors to make nuclear weapons." According to the estimates, the U.S. nuclear assistance would allow India to increase its current capacity to

produce 6-10 additional nuclear bombs a year to several dozen per year. More precisely, there is nothing in Indo-U.S. nuclear deal that would prevent New Delhi from developing more new warheads a year.

### **Brief Overview of Peace Process**

The genuine debate regarding the peace process between India and Pakistan was started, once both sides acknowledged that the adversary possessed nuclear weapons capabilities.<sup>29</sup> Though the strategic equilibrium reduced the likelihood of full-scale war, but it increased the possibility of limited war, inadvertent and accidental use of nuclear weapons. Prevention of inadvertent and accidental use of nuclear weapons became the major concern of New Delhi and Islamabad. During the Lahore Summit in February 1999, Indian Foreign Secretary K. Raghunath and Pakistani Foreign Secretary Shamshad Ahmad signed the Memorandum of Understanding (MOU). According to the MOU, both India and Pakistan had approved confidence-building measures for improving their security environment. Seven of the eight points enlisted in the MOU directly addressed nuclear risk reduction.<sup>30</sup> Importantly, the MOU signed in Lahore was the result of the nine months long parallel diplomatic dialogue facilitated by the U.S. which brought the two sides on the negotiating tables. The U.S. initiative primary objective was to encourage India and Pakistan to adopt strategies that would avoid a destabilizing nuclear and missile competition, reduce regional tension and bolster global non-proliferation. One of the main contours of the Talbott Mission was to engage New Delhi and Islamabad into a direct, high-level frequent productive dialogue. Though the 1999 Kargil conflict destabilized the peace process that was initiated in Lahore summit, yet it was a crucial first step of a peace process between India and Pakistan. Simply, it sets the model for Indo-Pakistan peacetime bilateral summits for addressing the war prone issues.<sup>31</sup>

The 1999 Kargil conflict, hijacking of the Indian Airlines plane, failure of 2001 Agra summit and prolong 2001-2002 military standoff deepened grievances between the belligerent neighbors. However, the strategic equilibrium and the active involvement of the

U.S. once again brought both sides on the negotiating tables, which facilitated process to ameliorate, stabilize, and reduce nuclear dangerous on the subcontinent. Consequently, throughout 2003 numbers of Confidence Building Measures (CBMs) were initiated by India and Pakistan, which resulted in a Composite Dialogue (January 2004) to avoid arms race, promote restraints, reduce risk and maintain the nuclear deterrent at the minimum credible level. A few important of them are listed below:

- On May 18, 2003, twenty Indian nationals freed from Pakistani jails as part of the CBMs.
- The Indian External Affairs Ministry announced resumption of Delhi-Lahore bus service on May 26, 2003. Consequently, the Delhi-Lahore bus service resumed on July 11, 2003.
- On October 22, 2003, India decided to resume cricket and other sporting links with Pakistan.
- On October 29, 2003 Pakistan accepted 12 CBMs proposed by India.
- On November 15, 2003, Pakistan banned three militant outfits including Jaish-e-Mohammad.
- On November 23, 2003, the then Prime Minister of Pakistan Zafarullah Jamali offered (unilateral) ceasefire along the Line of Control. India reciprocated and as a result both sides agreed for a formal ceasefire along the Line of Control on November 25, 2003.
- On December 1, 2003, New Delhi and Islamabad reached accord on the resumption of flight links and they resumed air links on January 1, 2004.

The Indian prime Minister, Atal Bihari Vajpayee arrived Islamabad on January 3, 2004 for the 12<sup>th</sup> SAARC Summit. He met President General Pervaiz Musharraf and Prime Minister Jamali on the sidelines of SAARC summit. The meeting between Prime Minister Vajpayee and President Pervaiz Musharraf resulted in the two countries agreeing to hold Composite Dialogue in February 2004 on bilateral issues, including Jammu and Kashmir. On February 18, 2004 the Foreign Secretaries of India and Pakistan reviewed and endorsed the agreement worked out at the Director



General/Joint Secretary meetings on all subjects on the agenda of the Composite Dialogue. Both sides agreed on the following schedule of meetings:

- Foreign secretaries would meet in May/June, 2004, for talks on peace and security including CBMs and Jammu and Kashmir.
- Talks on Siachen; Wullar barrage; Sir Creek; terrorism and drug trafficking; economic and commercial co-operation; and promotion of friendly exchanges in various fields would be held at the already agreed levels, in July 2004.

The following technical-level meetings would be held earlier:

- Meeting between director-general Pakistan Rangers and inspector-general Border Security Force (of India) in March/April 2004.
- Expert-level talks on nuclear confidence-building measures in the latter half of May 2004.
- Committee on drug trafficking and smuggling in June 2004.

They also reviewed the existing links between the director-generals of Military Operations of Pakistan and India and agreed to consider further strengthening these contacts. The foreign minister of Pakistan and the external affairs minister of India would meet in August 2004 to review overall progress. A one-day meeting of the foreign secretaries would precede this.<sup>32</sup> On June 19-20, 2004, after the first round of discussion in Delhi, the officials of India and Pakistan discussed/agreed on the following issues:

- A dedicated and secure hotline would be established between the two foreign secretaries, through their respective Foreign Offices to prevent misunderstanding and reduce risks relevant to nuclear issues.
- They decided to work towards concluding an agreement with technical parameters on pre-notification of flight-

testing of missiles, a draft of which was handed over by the Indian side.

- Each side reaffirmed its unilateral moratorium on conducting further nuclear explosions unless, in exercise of national sovereignty, it decides that extraordinary events have jeopardized its supreme interests.
- They would continue to engage in bilateral discussions and hold further meetings to work towards implementation of the Lahore Memorandum of Understanding of 1999 reached between then Prime Ministers Atal Bihari Vajpayee and Nawaz Sharif.
- They would continue to engage in bilateral consultations on security and non-proliferation issues within the context of negotiations on these issues in multilateral fora.
- They recognized that the nuclear capabilities of each other, which are based on their national security imperatives, constitute a factor for stability.
- They would be committed to national measures to reduce the risks of accidental or unauthorized use of nuclear weapons under their respective controls and to adopt bilateral notification measures and mechanisms to prevent misunderstanding and misinterpretations.
- They declared that they would be committed for working towards strategic stability and reiterated they were conscious of their obligation to their peoples and the international community.

The Composite Dialogue has produced a few tangible accomplishments, including a cease-fire along the Line of Control, the establishment of a new bus service between Srinagar and Muzaffarabad and permission for members of the All Parties Hurriyat Conference (APHC) to travel to Pakistan. In addition substantial developments took place in the realm of nuclear and missiles. In 2005, they signed agreement regarding the pre-notification of ballistic missiles tests to each other. On April 25-26 2006, for example, the main focus of the fourth round of talk was to negotiate an agreement to reduce risk of nuclear accidents or unauthorized use of nuclear weapons. Since August 2005—the third

round of expert-level nuclear talks in New Delhi—the subject nuclear risk reduction has been receiving serious considerations of both India and Pakistan. At that time, India tabled a draft of agreement about lessening the risks of nuclear accidents or unauthorized use of nuclear weapons between India and Pakistan. In the fourth round, the draft was reviewed for constituting consensus. Though the delegates failed in producing a consensus document about the nuclear risk reduction mechanism, yet they expressed their commitment to resolve the issue in the near future. During the joint statement on April 26 both sides expressed their determination that an agreement to reduce the risk of nuclear accidents would be finalized during the Foreign Secretary level meeting scheduled in July 2006 in New Delhi. Unfortunately the July meeting of Foreign Secretaries was postponed by India.

Tentative positive developments generate optimism regarding the sustainability of peace process. Realistically, beneath this feel-good ambience troublesome puzzles remain taxing. Agreed, nuclear weaponization of India and Pakistan marked total war between them as a negative sum game. Kargil 1999 and Military Standoff 2001-2002, for example, didn't alter geo-strategic situation between India and Pakistan. Balance of terror dynamics and repercussions of military conflict necessitate process of conflict management and resolution between them. Nevertheless, it remains to be seen whether a true Indo-Pakistan *rapprochement* may be consolidated. It is certain that an ongoing peace process would not go far without establishing a sustainable mutual-self interest and impartial support of the U.S. to the process. The real tangible result(s) of the Composite Dialogue process is yet awaited. The near zero progress on the core issue-Kashmir dispute and U.S. tilt towards India- alarms the possible reversibility of the ongoing peace process.

### **Implications**

Presently, of course, one of the major U.S. foreign policy objectives is to have cordial relations with both India and Pakistan. Concurrently, the U.S. has been assisting India to come forward a “major world power in the 21st century.” The former has been

supplying sophisticated technologies to the latter, which would have serious repercussions for the future politico-strategic landscapes of Asia in general and South Asia in particular. C. Raja Mohan wrote: "But for the Bush administration, the deal is less about nuclear issues than it is about creating the basis for a true alliance between the U.S. and India—about encouraging India to work in the U.S. favor as the global balance of power shifts."<sup>33</sup> The U.S. need that India would play a pivotal role in Asia is bound to create awkward problems for Pakistan. President Bush's South Asian trip (March 2006) made obvious that Washington does not adopt policy of even-handedness towards New Delhi and Islamabad. More precisely, the U.S. strategic partnership with India is deeper in substance and wider in scope than its relationship with Pakistan.

The Indo-U.S. strategic partnership has a potential to destabilize the strategic balance of power between New Delhi and Islamabad. Importantly, the U.S. so far has no such nuclear agreement with Pakistan, which is American ally in the fight against terrorists in Afghanistan. Among other negative developments, the Composite Dialogue could be a casualty of the U.S. tilt towards India in the near future. There is a remarkable shift in the behavior of the Indian leadership towards peace process between India and Pakistan since the signing of Indo-U.S. Nuclear Deal. The subsequent developments indicate that Indian leadership has been giving an impression that it is in an advantageous situation in prevalent global politics due to its close relationship with the U.S. and Pakistan lacks the sole super power support vis-à-vis its arch rival. India seems more comfortable and confident with the low-key methods of Bush administration, which has avoided injecting itself directly into the Kashmir dispute. According to C. Raja Mohan "the Bush administration has also publicly held Pakistan responsible for cross-border terrorism and has extracted the first-ever assurances from Pakistan to put an end to the attacks. New Delhi does not entirely believe these promises, but it has nonetheless come to trust Washington as a source of positive of influence on Islamabad."<sup>34</sup> These developments have contributed in the haughtiness of Indian leadership. Thereby, New Delhi, instead of compromising has been trying to dictate Islamabad.

Although the two sides have agreed on a wide range of confidence-building measures, including resolution of Kashmir dispute. Presently, however, Prime Minister Singh has been distancing from the agreed framework of Composite Dialogue. The general impression is that the third party role in the resolution of Kashmir dispute is undeniable. Without some form of subtle but firm third party intervention, Kashmir settlement is most unlikely. Sumit Ganguly opined; "... the prospects that two sides will reach a settlement on their own are dim."<sup>35</sup> He added, "the United States can, and should, play a role in facilitating an end to the conflict by prodding both sides to reach an accord."<sup>36</sup> In this context, the U.S objective role in the settlement of Kashmir dispute seems inevitable. During the 2001-2002 military standoff between India and Pakistan, for example, the U.S. had taken an impartial position and assisted in lowering the tension. Washington's constructive role resulted in the resumption of dialogue between the belligerent neighbors.

Prior to the Indo-U.S. nuclear deal finalization, it was expected that Washington would influence both New Delhi and Islamabad in resolving the chronic Kashmir dispute. Nevertheless, during his March 2006 South Asian trip, President Bush avoided the Kashmir issue just to please his Indian hosts. This shift in the Washington posture over the Kashmir issue undermined the peace process between India and Pakistan. On March 24, 2006 Prime Minister Singh, offered Pakistan a "Bilateral Treaty of Peace, Security and Friendship" and demanded reciprocity. He categorically stated that linking the Kashmir dispute to normalizing ties between the two countries would be a mistake. Pakistan immediately rebutted the de-linking of Kashmir from the ongoing peace process.<sup>37</sup> Realistically, it seems unrealistic to expect that the two countries could move forward putting the Jammu and Kashmir issue on the backburner. If de-linking were to work and could lead to better relations between Pakistan and India it would have happened in the last 59 years. Admittedly, due to balance of terror another Indo-Pakistani war is not likely, it remains possible.

In the aftermath of nuclear pact unveiling, India seems on the verge of becoming a great power. The world started to take notice of India's rise, which enhanced latter's hegemonic attitude in South

Asia. While working closely with Washington, New Delhi demonstrates primacy and a veto over the actions of outside powers in the region. The hegemonic attitude of India has always been opposed by Pakistan. Islamabad condemns the Indira Doctrine. According to the Indira Doctrine, India claims a right to intervene in the internal affairs of neighboring countries if disorder threatens to extend beyond national boundaries. Conversely, India would not tolerate similar interventions by an outside power. If external help is needed to meet an internal crisis, states should first look within the region for help. On January 18, 2006 Riaz Mohammad Khan foreign secretary of Pakistan termed India's comments on the events in Balochistan, interference in Pakistan's internal affairs. He categorically stated that Islamabad would, resent, reject and always oppose any attempts to impose a Monroe Doctrine of hegemony on it. The resurfacing of this traditional approach in both states foreign policies pose a serious challenge to the ongoing peace process between the belligerent neighbors.

In mid July 2006 India indefinitely postponed talks between the foreign secretaries of the two nations, linking progress in any discussions to Pakistan ceasing support for terrorism. Prime Minister Manmohan Singh said on July 14 that India had information that the Mumbai attacks had support from across the border, without naming Pakistan. The allegations and the delay in talks was a negative development. Conversely, for avoiding a deadlock in the peace process and improving the deteriorating situation, President Musharaaf offered Indians that Islamabad was ready to work with them for curbing the menace of terrorism. President's offer to cooperate in the investigation was neither accepted nor rejected by India. Meanwhile, New Delhi continued its supports to the dissident in Balochistan. The interference in each other's internal affairs severely damages the peace process. For instance, Islamabad ordered Deepak Kaula, visa counsellor at the Indian High Commission to leave Pakistan within 48 hours on August 5, 2006. Pakistani Foreign Office Spokesperson claimed that he was "caught indulging in practices incompatible to his status." According to the press reports he was caught red-handed while receiving a sensitive documents and maps of Balochistan.<sup>38</sup> India immediately reciprocated by declaring Syed Muhammad Rafique Ahmed,

Pakistan's political counsellor in Delhi, as persona non grata. The Indian External Ministry spokesman told reporters that Pakistan's Syed Ahmed, was involved in activities incompatible with his diplomatic status. Therefore he was declared persona non grata and ordered to leave India by August 7, 2006. Importantly, catching and expelling diplomats on charges of spying have been a frequent occurrence between India and Pakistan prior to January 2004 SAARC Summit. However, since the start of Composite Dialogue both sides were avoiding tit-for-tat expulsion of diplomats of each other.

The Pakistani leadership has expressed strong desire for the continuity of peace process between India and Pakistan. It believes that peace is in the interest of both nations, therefore, it has been trying to avoid those actions, which undermine the peace process. The ruling elite in Pakistan has been doing its best to save the peace process between belligerent neighbors. Regardless of the Indian leaderships accusation—Islamabad was involved in the series of terrorist's strikes in India and postponement of foreign-secretary level talks—Pakistani leaders and officials have been demanding for the resumption of the peace process. Pakistan's President Pervez Musharraf and Prime Minister Shaukat Aziz have condemned the July 2006 Mumbai terrorists attacks. They also reminded the Indian leadership that the anti-peace lobbies in both states must not hijack the peace process.

To be precise, the consolidation of nuclear pact in March 2006 added a negative variable in India and Pakistan relations. Already, the ongoing peace process between them wasn't without serious challenges. The uneven implementation of existing CBMs, the poor personal chemistry between the ruling élites, and the constraint imposed by the domestic politics in both India and Pakistan provide sufficient kindling for fires on the subcontinent despite the optimistic outlook of Composite Dialogue. The kindling could be lit by sparks from acts of terror and subversion, continued unrest in Indian Held Kashmir, non- settlement Siachen Glacier, violation of Indus Water treaty, arms race between India and Pakistan and above all India's interference in Pakistan's internal affairs. This pessimistic futuristic scenario seems realistic after the

manifestation of Washington obvious tilt towards New Delhi. The U.S. willingness to overlook India's misdeeds in Indian held Kashmir and in the internal affairs of Pakistan weigh heavily on the minds of Pakistani policymakers and people and cast doubts on U.S. professions of friendship. More precisely, the Indo-U.S. cementing relationship and Washington's tilt towards New Delhi has been foreclosing the possibility of any meaningful rapprochement between India and Pakistan.

### Conclusion

President Bush's decision—based on the argument of 'Indian exceptionalism'—to allow India to continue its nuclear weapon program outside the parameters of the NPT is a clear message for other nations that there are no international norms. There are only alliances of self-interest. No question, the deal will bring the U.S. and India closer. The U.S. has now winked at India's bomb, after winking at Israel's bomb. On the other hand, Pakistan's relations with India have been on the slide since March 2006—more so since the serial bomb explosions in Mumbai in July 2006—could be expected to deteriorate further. If this trend in both states relationships continues, the Indo-Pakistan border would not remain tranquil. Hence, Pakistan has to cast a warier eye on its possible disadvantages and should have an intelligent and focused diplomacy to counter the certain set of possible future dangers to its national security.

### End Notes

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## THE US-INDO NUCLEAR AGREEMENT IN THE CONTEXT OF DEVELOPING STRATEGIC PARTNERSHIP: IMPLICATIONS FOR PAKISTAN'S SECURITY

*Mr. H.U. Khan*

History has a habit of repeating itself. In 1962 the US-India military agreement propelled the staunch US ally Pakistan to initiate moves to 'diversify' its security umbrella by freeing itself from the total dependence on Washington. China, to Pakistan's North East, was a willing and able partner in accommodating Pakistan's overtures for security and defence needs. After 9/11 Pakistan found itself at the forefront, and as Washington's ally, against the GWOT and has singularly bore the main brunt of this war but, once again, the tangible rewards have flowed not to Pakistan but rather to India in the shape of the US-Indo Nuclear Agreement<sup>1</sup>. This may yet prove to have far-reaching consequences than the 1962 agreement because the security gains for India from the Agreement are likely to have far serious negative implications for Pakistan. The Agreement opens Indo-US cooperation not just in the nuclear field but adds on to and reinforces the diverse range of activities including extensive military to military and more importantly contribution to the Indian economy. The strategic partnership will propel the Indian economy's growth further thereby giving her a base to support, and expand, an already numerically superior military machine relative to that of Pakistan. Pakistani request from the US for a similar Agreement has been declined<sup>2</sup> and Islamabad has openly expressed disappointment.<sup>3</sup>

At every turn, and throughout the major part of its history, Pakistan has been struggling to thwart aggression from its larger easterly neighbor, India.<sup>4</sup> Within three years of having dismembered Pakistan, the very same adversary introduced the nuclear factor into the region compelling Pakistan to launch its quest for security through the nuclear option. Pakistan, of course, regardless of lessons of history and aggression, was not the first to go nuclear: in 1998 India exploded a nuclear device first without serious international punishment befalling her or reward for Pakistan for showing restraint. Pakistan was forced, therefore, only and only because of

security compulsions, to follow suit<sup>5</sup>. Pakistan's quest for security through the nuclear option was neither easy nor cheap for the country but was achieved through the same methods as India i.e. "beg, borrow and steal".<sup>6</sup> Pakistan's security dilemma compelling her civilian government to launch the nuclear program could still have been avoided had her security alliances thwarted aggressions against her. But these alliances proved ineffective at all crucial junctures of history.

Pakistan, as India, by going nuclear did not violate any international norms since both were not members of the Non-Proliferation Treaty (NPT). However, the US by entering into the Agreement with India and the former agreeing to transfer nuclear technology clearly violates the letter and spirit of the NPT.<sup>7</sup> The significance for Pakistan of this is in its perceptions of friends and the consequences for the future Pakistani strategic environment, than any legal niceties that may have been violated. Pakistan may well conclude that once again her security imperatives would require a reassessment of her minimum nuclear deterrent, a greater drive towards self-reliance in matters of defence and who her friends are.

This is the irony in the triangular relationship of India, Pakistan and the US. The Agreement aims to bolster India as a regional power to counter what is perceived as an emerging competitor to US power, China<sup>8</sup>. Yet singularly Pakistan, a major non-NATO ally<sup>9</sup>, perceives the future growth of Indian power as a direct threat to its security and a threat that is not being addressed in this triangular relationship by the US. A further irony is that Pakistan may be compelled indirectly by US strategy, as in 1962, to expand the already warm relations with China in order to ameliorate the impact of the Agreement.

This paper aims to first examine the likely security gains accruing from the Agreement to India rather than the technical details or the violation of the NPT, assuming that the Agreement gets approval from the US Congress and the Nuclear Suppliers Group (NSG), and secondly the consequences for Pakistan's security. It should be highlighted here that the argument of this

paper is to place the Agreement and its ramifications for Pakistan in the broader Indo-US security spectrum of relationship.

### **Anatomy of the Indo-US Nuclear Agreement**

Although, vast amount of commentary on the Agreement have been focused on the violation of the NPT regime and likely impact on proliferation<sup>10</sup>, the Agreement must be viewed, especially from the Pakistani perspective, in the broad framework of the developing Indo-US relations. *The Agreement is only a small part of a manifestation of an explicit ending of US tilt towards Pakistan.* This tilt away from Pakistan and towards India, had begun prior to the July 2005 Manmohan Singh visit to Washington, and has been accelerated by the recognition in Washington of the potential challenges of China and the vast potential market of India. The convergence of US military strategy and economic capitalism has been crystallized by the neo-cons in the Bush administration. But this policy had been fermenting in US security thinking since the 1960's having only been kept at bay by Indian friendship with the USSR and Pakistan's role first in the containment of Communism generally and then pivotally of the Soviet Union on the borders of Afghanistan and Pakistan.

A Pakistani perspective on the Agreement must necessarily therefore take this broad view of the Agreement and only then can Pakistani policymakers come up with an appropriate response for the evolving South Asian strategic environment. Indeed, the benefits of the Agreement to India are not insignificant in themselves but the Agreement must be also viewed in the overall US strategic thinking of India's place regionally and globally and the consequent benefits that are likely to accrue to India from this strategic position.

The Indo-US Joint Statement of 18 July 2005 lays out the road map for future strategic cooperation between the two countries. This Joint Statement was formalized in the Indo-US nuclear Agreement on the 2<sup>nd</sup> March 2006. The cooperative framework has several facets but primarily the Agreement is ostensibly touted as to enable India to acquire civil nuclear technology from the US, and the NSG, in order that New Delhi realizes its goal of energy

security. One of the architects of the US vision for India, Ashley Tellis has argued that the Agreement is “to strengthen India’s ability to expand its civilian nuclear energy’s contribution to India’s large and rapidly growing electricity needs, rather than a closet ‘atoms for war’ effort that would have the effect of covertly accelerating the growth in India’s nuclear arsenal”.<sup>11</sup> Nevertheless, Tellis, has also argued before the US House International Relations Committee, that “Congress should not support any amendments that are intended to limit, or have as their effect a limitation on, India’s capacity to produce fissile materials for its nuclear weapons program.”<sup>12</sup>

The opponents of the Agreement have precisely pointed to this weakness in the US-India agreement that it places no capping on the Indian strategic program or constraints on Indian bomb making. The central or core issue from the security perspective of Pakistan is that the Agreement does not constrain the future accumulation of fissile materials for nuclear weapons. The Agreement could thus assist India to make not only qualitative but also quantitative improvement in its nuclear weapon productions program. By enabling India to import uranium for its civil program, thereby freeing up limited indigenous uranium for military program, the Agreement actually helps India increase its weapon capacity. An assessment of Indian fissile material production capability and how they might change as a result of the Agreement concluded that “the Agreement will enable India, should it choose to do so, to grow its stocks of weapons grade plutonium from the present rate of about 7 weapons worth a year to about 40-50 weapons worth a year”<sup>13</sup>.

Would India choose to expand its stocks of weapons grade plutonium? Intentions are difficult to gauge but Manmohan Singh’s statement sheds some light: “there will be no capping of our strategic program, and the separation plan (i.e. civilian from military programs) ensures adequacy of fissile material and other inputs to meet the current and future requirement of our strategic program, based on our assessment of the threat scenarios. No constraint has been placed on our right to construct new facilities for strategic purposes”.<sup>14</sup> Thus, the Agreement’s failure to obtain India’s moratorium on fissile material production and India’s refusal to

encompass large part of Indian nuclear facilities within the international inspection regime would lead one to conclude that India's intentions as to weapon stockpiles is suspect.

The proliferation of advanced nuclear technology to India, ostensibly for civilian purposes, could also end up being used in improving nuclear weapon warheads and delivery systems. This potential misuse of civilian technology is not without precedent. As Gary Milhollin testified before the US Senate Foreign Relations Committee "India, in fact, is the first country to develop long range nuclear missile from civilian space program. Indian's Agni missile tested in 1989 was built by using the design of the American 'Scout' space rocket. India imported the blue prints from NASA under the cover of peaceful space cooperation".<sup>15</sup>

### **The Agreement in a Wider Context**

Many observers have commented that the Agreement recognizes and legitimizes India's status as nuclear weapons state outside the NPT whilst leaving Pakistan out in the limbo. The importance of this for Indian status and foreign policy is not a minor issue but taken in the wider context of Indian ambition and aspirations, it is not a mean achievement of Indian foreign policy. As Ashton Carter, a former State Department official, writes "As part of the agreement, President George Bush broke with longstanding US policy and openly acknowledged India as a legitimate nuclear power ending New Delhi's 30 year quest for such recognition."<sup>16</sup>

The Indian author Mohan, a Member of the National Security Advisory Board, is not much off the mark at least in terms of the political implications of broad Indo-US nexus, when he writes, with overflowing exuberance, that 'after disappointing itself for decades, India is now on the verge of becoming a great power. The world started to take notice of India's rise when New Delhi signed a nuclear pact with President W. Bush in July 2005 ... As it rises, India has the potential to become a leading member of the "political West" and to *play a key role in the great political struggles of the next decades*' (emphasis added).<sup>17</sup> It would not be



unreasonable to venture that in the decades to come the Agreement will be a footnote in the history books to a broader evolving relations between the US and India. And herein lay the serious implications for Pakistan's security.

The key role envisaged for India by the Bush administration is unlikely to be limited to China or Indian markets. The Bush Administration has referred to India as a "natural partner"; the partnership has bestowed upon India a role to police the South Asia region and check the spread of "Islamic Fascism". As early as April 2005 it was reported that the Indian Foreign Secretary, Shyam Saran, had "historic talks" with US Under Secretary of State for Political Affairs, Nicholas Burns as a part of "...of a steady movement by the Bush Administration towards recognizing that virtually all of South Asia is part of India's sphere of influence...Even on Afghanistan, the Bush administration is now encouraging New Delhi to step up its already considerable engagement with Kabul. This represents a sea-change from Bush's first term, when Colin Powell, the Secretary of State, pressured India to go slow on its interaction with Hamid Karzai's government and even cut down on assistance to the post-Taliban establishment because it was not to the liking of General Pervez Musharaf".<sup>18</sup>

There are other tangibles of this evolving relationship. Aside from the possible direct orders for power reactors by India from the US and the creation of new jobs in America because of the Agreement<sup>19</sup> the defense industry in the latter is gearing it self up for billion of dollars worth of orders for major platform systems such as aircraft and naval ships.<sup>20</sup> However, even prior to Prime Minister Manmohan's visit to Washington in 2005, the defence ministers of the United States and India signed a 10-year Defence Cooperation Agreement paving the way for joint weapons production, cooperation on missile defence and possible lifting of US export controls for sensitive military technologies.<sup>21</sup> At the insistence of the Indians clauses were inserted in the agreement stipulating specifically that US arms will be purchased only if weapons technology is transferred and weapons are co-produced.<sup>22</sup> The military pact came three months after the United States unveiled plans to help India become a "major world power in the 21st

century"<sup>23</sup> and ahead of a visit by Indian Prime Minister Manmohan Singh at the invitation of President George W Bush from July 18 to 20. The 2005 Indo-US defence agreement had also been preceded, under the momentum of the 9/11 events, by the signing of "Framework of Next Steps in strategic Partnership (NSSP)" in 2004 and setting in motion the current strategic relationship.

Defence has moved to the center stage of the relationships. The 10 year defence agreement stipulates that the defence relations were an important pillar of their "transforming bilateral relationship". That is why, in the overall context of relations, it is of limited consequence whether the Agreement proceeds to fruition or not. India is being offered the entire range of advanced US military technology from F-16's, F18 F/A-22 and the P-8A multi-mission maritime aircraft. Deputy State Department spokesman Adam Ereli was quoted as saying that US corporations were "free to talk to India" about whatever aircraft they could offer and that "it'll be up to India to decide what it wants".<sup>24</sup> More ominously, even the anti-missile system PAC-3 is also on the table, as part of the defence cooperation under the 2005 defence agreement, with all sorts of implication to the nuclear stability in the region. Over the past few years over 35 military-to-military joint planning and exercises between US and Indian forces have been undertaken particularly in the maritime field.

Complementing the evolving defence interactions, Indian and US economic relations are also aggressively converging and cannot be isolated, nor given less weight, in the so called "natural partnership". The expectation that Indian GDP growth of 7.5 per cent for the next twenty years, India's huge emerging middle class and its overtaking of the current giants has wetted American appetite. Indian preaching, to the already converted, has been, "closer integration of one fifth of humanity with global markets" and the benefit that this will accrue to the world economy as well as, but more importantly, to the US economy<sup>25</sup>. India's open economy, and open society, and the US strategic interests have thereafter been reemphasized on Manmohan Singh's visit to Washington in July 2005 and George Bush's visit to Delhi in March 2006.

## **The Fall Outs**

Common security interests and a converging vision of the future have attracted the US and India into a closer embrace, even if the embrace would appear to be suffocating as some sections within the Indian community believe.<sup>26</sup> Despite some reservations within India, the multi-faceted relations, the Agreement being one in particular if it takes of the ground, will lead to the strengthening of India. More ominously, the role charted for her by the US does not portend well for the region. Fears that this role may be akin to that of Israel in the Middle East can only lead to uneasiness especially in the smaller South Asian countries. As the late Agha Shahi has commented the role envisaged for India implies projections of power by the latter into her neighborhood and beyond<sup>27</sup>.

Specifically from the Pakistani perspective the developments in the Indo-US relations, especially in the defence area, entail and raise serious questions as to Pakistan's nuclear deterrence, conventional balance, Pak-US relations and Pakistan's diplomatic place in the region and the world. These issues are also all linked to the stability of the Asian region and more principally to the credibility of the Pakistani deterrence against any future Indian adventures.

It is clear that the current conventional military imbalance between India and Pakistan in favour of the former is quite substantive and pronounced in every area, be it in manpower, military equipment, the navy and more crucially in the air. The imbalance is substantive not only in terms of quantity but also quality of military hardware. This in itself, as has been argued, is seriously destabilizing and may tempt India to undertake military operations preemptively in a crisis situation to attempt to knock out Pakistan's nuclear arsenal. As Rodney Jones has argued "Regional instability does not therefore rest on nuclear balance per se, but on inequality of strategic depth and *the potential for India to employ conventional forces to destroy Pakistan's nuclear forces*" (emphasis added).<sup>28</sup>

However, the current conventional imbalance continues to widen to the disadvantage of Pakistan as the Indian economy is able to sustain continued acquisition of military hardware. Since 1971, historically a defining year for Pakistani threat perceptions, Indian defence spending has increased relative to Pakistan's from a ratio of two to seven. Pakistan is not likely to match the Indian economy's capacity to indulge in such spending nor would Pakistan wish to enter a conventional arms race. From this respect the goals of the Indo-US defence partnership would appear to be even more disconcerting for Pakistani policymakers. The partnership enhances Indian non-conventional forces as well as her nuclear forces. The Indian belief, as extrapolated in the Cold Start Doctrine, that it can fight a conventional war under the cover of the nuclear umbrella for limited purposes is based for its success on an agile force, concentration of firepower and superior air cover. The Indo-US partnership goes a long way in helping India structuring a military force that may be tempted in implementing such a Doctrine no matter how far fetched such an idea may be.

The consequences of the Agreement also enable India to make qualitative and quantitative improvements in its nuclear arsenal and accentuate the imbalance in conventional arms even more so. But nuclear deterrence both regionally as well as between India and Pakistan could also be impacted. The cooperation in space and sale of sensitive technologies to India would certainly weaken Pakistan's nuclear as well as conventional deterrence. It has been recognized that Pakistan's security from outside aggression since its acquisition of nuclear weapons has been maintained by its own deterrence and unlike previous decades Islamabad is the master of its own destiny. Therefore by necessity Pakistan will be compelled to either enter an arms race, which is unlikely, or continue to upgrade its own minimum nuclear deterrence to compensate its widening imbalance in conventional forces as well as the Indian upgradation of its nuclear weapons. The importation into the region of the Ballistic Missile Defence (BMD), as envisaged with in the Indo-US defence agreement and if actualized, would be a further reason for Islamabad to re-evaluate its minimum nuclear deterrence.

### **The Way Forward for Pakistan**

Pakistan's strategic options in responses to the evolving strategic environment are not as bleak as it would appear to be at first sight. The core issue of expanding Indian power and influence is a serious consideration for policy makers more so as long as the future of Kashmir and other outstanding issues between Pakistan and India remain unresolved. And if unresolved, these issues will continue to remain a trigger for instability in relations. The outcome of the Agreement and continuing progress in US relations with India generally, will require an adjustment of Pakistan's security driven foreign policy: if the partnership develops as envisaged by Washington then the adjustment has to be substantial but realistic.

Need of durable and trust based relations with the US have always posed a challenge to Pakistan. Despite the distrust and new alignment, Pakistan can neither ignore nor downgrade her relations with Washington more so as the latter is keen to engage in the region. There are vital interests that overlap and Pakistan shares with the US. These interests are economic as well as politico-military including the degrading and elimination of extremism and terrorism. Thus the adjustment in Pakistan's foreign policy does not have to be at the expense of its relations with Washington.

Then again, neither can Washington afford to have relations disrupted with Pakistan or would wish to unsettle the delicate balance in the region although to most observers the strategic partnership would appear to be against the grain of avowed US policy of maintaining strategic stability. Pakistan is pivotal to US interests in the region and Pakistani interests, such as a mirror deal on the lines of the Agreement, must be pursued incessantly with the US administration.

Normalization of relations with India, and the peace process, must move forward whilst fostering and diversifying relations with China, Russia, the EU and Islamic states. The basis of all relations must be for the betterment of the Pakistani economy to lay the foundation for strong and viable security. For better economic cooperation, Pakistan needs to give priority to bilateral and regional

cooperation such as the Economic Cooperation Organization (ECO) and the Shanghai Cooperation Organization (SCO) which includes both China and Russia as well countries from the region.

For energy requirements, just as for indigenous weapon system production such as the successful cruise missile, Pakistan must continue to improve and expand capability. Chinese assistance in the energy sector is of crucial importance and under the impetus from the Indo-US Agreement this aspect of Sino-Pakistan relations is bound to be reviewed. China has completed one nuclear plant (at Chasma) for Pakistan's energy needs, and three more are planned. China has already indicated her desire to support Pakistan's right to Nuclear energy, and right to receive nuclear technology, at the NSG forum; this needs to be built on and Pakistan's legitimate energy requirements secured.

Pakistan's economy is growing, and with this growth comes higher energy consumption and stronger pressures on the country's energy resources. At present, natural gas and oil supply the bulk (80 percent) of Pakistan's energy needs. However, the consumption of those energy sources vastly exceeds the supply. For instance, Pakistan currently produces only 17.3 percent of the oil it consumes, fostering a dependency on imports that places considerable strain on the country's financial position. Over the next 25 years the country's overall demand for energy will increase by 350 percent. During this period, the percentage of Pakistan's total energy needs met from indigenous sources will fall from 72 to 39 percent. Choices made today in respect of Pakistan's energy needs will have a major impact on whether Pakistan succeeds in generating high GDP growth rates a generation hence.

The pressure to review Pakistan's minimum deterrence will grow in parallel to India's acquisition and ability to enlarge its nuclear capability. These pressures may even be difficult to resist if Indian quantitative and qualitative improvements in conventional forces continue unabated. Pakistan's nuclear credibility is the cornerstone of its security and its erosion could only lead to instability in the region. The Indo-US nuclear Agreement has brought about uncertainty for the future and may perhaps turn to be

the cause of future instability not only in the Indo-Pakistan but also in Sino-Indo nuclear strategic balance.

#### End Notes

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1. Henceforth the US-Indo Nuclear Agreement will be simply referred to as the Agreement. The text of the agreement can be found at <http://www.whitehouse.gov/news/releases/2005/07/20050718-6.html>.
2. *The Dawn*, March 2006
3. Press Release, Ministry of *Foreign Affairs, Islamabad*, 17 March 2006.
4. The Kargil episode is generally noted by most western observers to have been engineered by Pakistan; however, President Musharaf recently revealed that Pakistan by launching the Kargil offensive was acting preemptively after receiving specific intelligence of imminent Indian military action See Pervez Musharaf, *In the Line of Fire* (London: Simon and Schuster, 2006), pp 87-98.
5. It is important to distinguish the motives for the two South Asian neighbors going nuclear. Most Asia specialists concur that Pakistan's motives for acquiring the nuclear option was for security reasons whilst India's motives were more to do with it's desire to achieve great power status. See Steve Coll, *Ghost Wars* (NY: Penguin Pres, 2004 ) and Peter Lehr, "Security, Prosperity and development in South Asia: A view from Europe" in *Prospects of Peace, Stability and Prosperity in South Asia*, IRS (Islamabad: Aziz-ul-Hauqe, 2005), p75
6. Leonard Spector and Jacqueline Smith , *Nuclear Ambitions* (Oxford: Westview Press, 1990)
7. The Agreement clearly violates Article 1 of the NPT and also contravenes the guidelines of the Nuclear Supplier group NSG). For the details of the NPT see <http://www.armscontrol.org/treaties>
8. Under the National Security Strategy for the 21st century no state will be allowed to challenge the military supremacy of the United States. See the *National Security Strategy* of the US (2002 and 2006). Also, The Pentagon's Quadrennial Defence Review of February 2006 identifies China as the principal military threat in the future for the US
9. President Bush's stated "I hereby designate the Islamic Republic of Pakistan as major non-Nato ally of the United States for the purposes of the Arms Export Control Act", BBC News, 17 June, 2004
10. These issues have also been amply covered in other articles in this current issue of the Journal.
11. Ashley Tellis, "Atoms for War?" *Carnegie Endowment for International Peace*, June 2006, p9.

12. Ashley Tellis, "the US-India Global Partnership: Legislative Options", Prepared Testimony to the House Committee on International Relations, 11 May 2006, p5. Statement can be found at <http://www.carnegieendowment.org/files/ashleyjtellishirctestimony.pdf>
13. Z. Mian, A. Nayyar, R. Rajaraman and M.Ramana, "Fissile materials in South Asia and the implications of the US-India nuclear Agreement", *Draft report for the International Panel on Fissile Materials*, (Princeton University, 11 July 2006) p30
14. Prime Minister Manmohan Singh's Statement on Implementation of India's Separation Plan, 7 March 2006.
15. Gary Milhollin, "U.S.-India Nuclear Cooperation: Strategic and non-proliferation implications" Testimony before the Senate Foreign Relations Committee, 26 April 2006, p7. Testimony can be found at <http://www.iranwatch.org/Gary/sfrc-milhollin-042606.htm>
16. Ashton Carter, 'America's New Strategic Partner?', *Foreign Affairs*, Vol. 85 No. 4, (July/August 2006), p3.
17. C. Raja Mohan, 'India and the Balance of Power', in *Foreign Affairs*, Vol. 85 No.4, (July/August 2006) pp 17 – 18
18. K. Nayar, "The US Recognizes South Asia as India's sphere of influence", *The Telegraph*, 5 April, 2005.
19. Condoleezza Rice, "Our Opportunity with India", *The Washington Post*, 13 March 2006.
20. Steven Weisman, "Dissenting on Atomic Agreement", *The New York Times*, 3 March 2006.
21. For the text of the ten year Defence Cooperation Agreement see <http://www.ondianembassy.org/press/2005/June/31.htm>.
22. See K.P. Nayar, "India, US in Joint Action Pact", *The Telegraph*, 30 June 2005
23. *The Washington Post*, 26 March 2005
24. *Ibid*.
25. Shym Saran, "Transforming US-India Relations: Forging a Strategic Partnership", *Carnegie Endowment for international Peace*, Washington, DC, 21 December 2005. Indo-US bilateral trade, since 2004 has increased by 88% standing at 20 Billion dollars; and Indian IT related services are said to be increasing by 25% per year. See Terestia Schaffer, 'Bond of Democracy', *Daily Times*, 3 March 2006.
26. Comments by an American academic from his discussions in New Delhi that some Indians feel that the Americans may be 'coming on to fast' in their embrace of India.
27. Agha Shahi, "Indo-US Strategic Pact", *Dawn*, 28 July 2005.
28. Rodney W. Jones, "Conventional Military Imbalances and Strategic Stability", *SASSU Research Paper No.1*, March 2005, p4.



*The US-Indo Nuclear Agreement in the Context of Developing Strategic Partnership: Implications for Pakistan's Security*

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## STATE SPONSORED NUCLEAR PROLIFERATION: THE CASE OF INDIA

*Dr. Shireen M Mazari*

### **Introduction**

The issue of nuclear proliferation has been part of the arms control agenda since efforts began to evolve a nuclear nonproliferation regime. However, the central focus of the regime on the Non proliferation Treaty, which came out of the 1961 UN General Assembly's Irish Resolution, meant that the principle of discrimination would be inherent in such a regime. This is because within the NPT, while it was mandatory for the non-nuclear weapon states, party to the Treaty, to give up their right to acquire nuclear weapons, for the nuclear weapon states Article VI, requiring them to move towards nuclear disarmament was merely a "good faith" clause. Furthermore, only those states that tested before 1967 were recognized as nuclear states for purposes of the Treaty (Article IX), so the discrimination was built into the NPT.

Despite the accommodation of a two-tier state hierarchy within the nuclear context, the nuclear weapon states have been in violation of their nonproliferation obligations under the NPT right from the start. Amongst the first proliferators in the nuclear field were the US and French governments and the state that benefited from this was Israel. In fact, Israel's nuclear programme, which began in 1952 with the creation of the Israel Atomic Energy Commission, got off the ground because of the aid provided by France.<sup>1</sup>

In 1956, France agreed to provide Israel with an 18-megawatt nuclear reactor, but France made a greater commitment to support Israel's nuclear ambitions in exchange for support in the 1956 Suez War.<sup>2</sup> So, after Israel invaded Egypt the reactor agreement was revised (in October 1957) to provide a 24-megawatt reactor – although the cooling systems and waste facilities were designed to handle three times that power. This was not subject to any IAEA safeguards. Also, in Protocols that were not committed

to paper, a chemical reprocessing plant was also to be supplied by France. Before this Franco-Israeli agreement, no country had supplied another with the means for developing nuclear capability.<sup>3</sup> As part of the deal, France purchased heavy water from Norway for the Israeli reactor, thereby breaking assurances to the Norwegian government that it would not transfer the water to a third country.<sup>4</sup> The French Air Force secretly flew as much as four tons of heavy water to Israel. And the French state went even further in maintaining the deception. For instance, according to one report, French customs officials were told that the largest of the reactor components, like the reactor tank, were part of a desalination plant bound for Latin America.<sup>5</sup>

Even when France and Israel fell out over the project in 1960, the French agreed to finish shipping the reactor components and in 1964 the Dimona reactor became operational. The French also built the reprocessing complex here. Nor did the French feel they had done anything wrong in helping to lay the base for Israel's nuclear weapons programme. Francis Perrin, former High Commissioner of the French Commissariat *a L'Energie Atomique* had declared that France did not violate any US agreements by aiding Israel's nuclear programme in the 1950s because there was no agreement.<sup>6</sup> Legally, this argument is correct, since the NPT did not become operational till 1970.

So by that logic, those states, and citizens of those states, that are not signatories of the NPT, MTCR and other such agreements, do nothing wrong if they provide missile and nuclear support for third countries – provided that the third country is also not a signatory to the NPT. But what happens when the proliferators are parties to nonproliferation treaties like the NPT and supplier cartels like the Nuclear Suppliers' Group (NSG)? Interestingly enough, Perrin did admit that France might have broken a pact with Britain in that the French, scientists who participated in the nuclear collaboration between the US, Canada and Britain were working as members of the Free French on behalf of the British government and had signed the British Official Secrets Act.<sup>7</sup>

Nor was France alone in aiding and abetting the Israeli nuclear programme. The US, Israel's main provider of military aid,

was also aware of Israel's nuclear project. According to Sir Timothy Garden, a fellow at Indiana University, Israel signed a nuclear cooperation agreement with the US in 1954. Between 1955 and 1966, more than 50 Israeli nuclear specialists completed a probationary period in the largest US scientific institutions. Israel received 6-10 kilograms of uranium a year starting in 1955. The total grew to 40 kilograms by 1966. The US provided Israel with a small nuclear reactor in 1955, which became operational in 1960.<sup>8</sup> In 1958 US spy planes photographed the Dimona complex, but US Atomic Energy Commission's (AEC) inspections of the Dimona facilities in the late sixties were hampered because of non-cooperation on the part of the Israeli government. In addition to controlling the extent of the inspections as well as the timing, according to Rohan Pearce, Israel constructed false control panels and bricked up corridors to fool AEC teams. As Pearce puts it, "an October 1969 US government memo, reporting on discussions between State Department officials and a representative from the AEC, implied that the US government had no problem with Israel possessing the facilities for building nuclear weapons."<sup>9</sup> The memo made it clear that the US was not prepared to support a real inspections effort.

With all this unsafeguarded nuclear assistance from France and the US, at the level of the state, Dimona had already begun to produce approximately 8 kilograms of plutonium per year, enough for Israel to build one or two nuclear weapons once the material had been reprocessed.

From 1967 till the fall of the apartheid system in South Africa, Israel relied on the apartheid South African regime for the supply of approximately 550 tons of uranium for the Dimona complex. It is widely believed that the two states conducted a joint nuclear weapon test in the Indian Ocean in September 1979. According to reports in the Israel press in 1997, it is clear that the two states aided each other in building their nuclear capabilities. The first public confirmation of Israel's possession of nuclear weapons came in 1986, when Mordechai Vanunu provided Britain's *Sunday Times* with photographs of Israel's nuclear facilities. Vanunu had been a technician at the Dimona Machon 2 facility between 1976-

1985, after which he was fired for his left-wing, pro-Palestinian politics.<sup>10</sup> Machon 2 is known to produce plutonium and components for nuclear bombs.

Despite all these public facts, and even after the US had become a party to the NPT, it has continued to aid and abet Israel's nuclear and military capability. In October 1998, Israel and the US reached an agreement that committed the US to enhancing Israel's "defensive and deterrent capabilities." An agreement reported in February 2000<sup>11</sup> between the two related to cooperation in nuclear and other energy technologies and this agreement allowed Israeli scientists to once again gain access to US nuclear technology. So it is hardly surprising to find that by October 2003 Israeli and US officials admitted that they had collaborated to deploy US-supplied Harpoon cruise missiles armed with nuclear warheads in Israel's fleet of Dolphin-class submarines.<sup>12</sup>

All in all, proliferation by states party to the NPT, has been going on unchecked and the international community has chosen to ignore this continuing contravention of this Treaty – specifically of Articles I and III: 2.

Article I states:

*Each nuclear-weapon State Party to the Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear weapon State to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.*

Article III: 2 states:

*Each State Party to the Treaty undertakes not to provide: (a) source or special fissionable material, or (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this article.*

Of course, the efforts by these leading proliferating states were not confined to the official level only. There are documented thefts of material from US nuclear facilities being traced to Israel and there are cases of individuals in sensitive positions in the US working for Israel. The much publicised case of Jonathan Pollard is only one such instance (the Israelis conferred citizenship on him for his services while he was imprisoned by the US). It is no wonder then that, today, estimates of Israel's nuclear arsenal pinpoint to about 300 nuclear weapons. And, yet, within the international debate on Weapons of Mass Destruction in general and nuclear weapons in particular, the case of Israel is never raised.

### **India's Proliferation Record**

More interesting in this context of proliferation by states, has been the case of India. India and Israel have cooperated on the nuclear front, but then neither is a party to the NPT, and it is known that the second set of nuclear tests conducted by India in May 1998 were a joint Indo-Israeli venture. Indian nuclear scientists had been trying to link up with Israel in the field of nuclear technology since the eighties. As ex-Mossad agent, Ostrovsky, has described in his book, *By Way of Deception*, one of his assignments was to escort a group of Indian nuclear scientists in mid-July 1984, who had come "on a secret mission to Israel to meet with Israeli nuclear experts and exchange information."<sup>13</sup>

India, which has been a vociferous opponent of the NPT-centred nonproliferation regime, has also cooperated with Iran and Iraq, both parties to the NPT, in the development of their nuclear programmes. In March 2006, Albright and Basu of the Institute for Science and International Security wrote that the ISIS had "uncovered a well-developed, active, and secret Indian program to outfit its uranium enrichment program and circumvent other countries' export control efforts."<sup>14</sup> Also, according to them, India leaked out sensitive nuclear technology in order to procure material for its nuclear programme.

India's nuclear cooperation with Iran<sup>15</sup> began in May 1974, when, following a visit to Tehran by the then Prime Minister Indira

Gandhi, Iran and India issued a communiqué, which laid the basis for atomic energy cooperation between the two countries.<sup>16</sup> In February 1975 the two countries signed a nuclear cooperation agreement. Between 1980 and 1983 Iran asked India to help complete the Bushehr reactor after West Germany backed out of the project in 1980.<sup>17</sup> In October 1982, Indian radio reports gave out that India was sending a group of scientists and nuclear engineers to Iran to inspect the Bushehr nuclear plant and its problems.

In 1991, despite US opposition, India negotiated the sale of a 10 megawatt nuclear reactor to Iran and Dr Prasad worked in Bushehr after he retired in July 2000 as head of the Nuclear Corporation of India. That is why, in February 2004, Iran's top nuclear negotiator, Hasan Rowhani, visited New Delhi for talks with the Indian Prime Minister.<sup>18</sup> Nor is this all in terms of WMD proliferation. In 1992, India supplied thiodyglycol and other chemicals also to Iran and, in 1993, 30 tonnes of trimethyl-phosphite was supplied to Iran by United Phosphorous of India.<sup>19</sup>

With Saddam Hussain's Iraq also India had a history of nuclear cooperation. This cooperation was a reflection of an extensive relationship that existed between the two countries. According to a brief by the Institute for Science and International Security,<sup>20</sup> the Indo-Iraq nuclear cooperation can be traced to 1974, when Saddam Hussein flew to India specifically to sign a nuclear cooperation treaty with Indira Gandhi, the then Prime Minister. The little known Treaty involved the exchange of scientists, access to training facilities and transfer of technology. According to reports, Iraqi scientists were working in India's plutonium separation labs, often referred to as fuel reprocessing laboratories, at the time India separated plutonium for its first nuclear explosive device. Those same Iraqi scientists later were in charge of the nuclear fuel reprocessing unit supplied to Iraq by the Italian company CNEN. A year or two later, an Indian scientist spent a year at the Iraqi Atomic Energy Commission's computer centre training Iraqis on the use of nuclear computer codes.

According to an *Associated Press* report of May 17, 1998, Iraq supported India's nuclear tests. The Ba'ath Party's newspaper,

*Al-Thawra*, said: "We cannot see how anyone can ask India not to develop nuclear weapons and its long-range missiles at a time it is like any other big state with its human and scientific potential."<sup>21</sup> Also, in May 1998, a Baghdad weekly, owned by Saddam Hussein's eldest son Uday, announced that India had agreed to enroll several groups of Iraqi engineers "in advanced technological courses" scheduled for mid-July. The field of training was left unstated.

An Indian company, NEC Engineers Private Ltd., is believed to have helped Iraq to acquire equipment and materials "capable of being used for the production of chemicals for mass destruction."<sup>22</sup> The company also sent technical personnel to Iraq including to the Fallujah II chemical plant. Between 1998 and 2001, NEC Engineers Private Ltd shipped 10 consignments of highly sensitive equipment, including titanium vessels and centrifugal pumps to Iraq.<sup>23</sup> It is also known that an Indian company exported chemicals to Iraq for Saddam's missile programme and a director of that company, Hans Raj Shiv was under arrest in New Delhi.<sup>24</sup>

It is within the ambit of this questionable record of proliferation by the Indian state, as opposed to individuals acting outside the knowledge or approval of the state, that one has to question the wisdom of the Indo-US nuclear agreement. Apart from the fact that the agreement will allow India to divert unsafeguarded fissile material from its civilian to its military facilities – since the US will be supplying safeguarded fuel for the civilian reactors – the deal reflects yet another incidence of state proliferation by the US. Because India has not signed the NPT and has acquired nuclear weapons capability, the NPT obligations under Articles I and III: 2 do not allow the US to give nuclear technical or fuel assistance to India.

### **Conclusion**

Unfortunately, 9/11 altered the dynamics of the nuclear proliferation issue by shifting the focus away from nuclear proliferation to a focus on the weapons of mass destruction (WMD) programmes, which links nuclear to biological and chemical weapons and the focal point are the WMD programmes of certain



states only – a further bolstering of the discriminatory principle. Which states are these? Primarily states that the US regards as hostile – what it has termed as the “axis of evil” and as “rogue” states. Barring North Korea, the other states identified for scrutiny on the WMD issue are all Muslim states. The Israeli nuclear capability continues to remain outside the purview of the mainstream debate on nuclear proliferation – as do its chemical and biological capabilities. Yet Israel has yet to sign the Biological Weapons Convention and has yet to ratify the Chemical Weapons Convention.<sup>25</sup>

Additionally, the WMD issue has become a central rationalisation for the US pre-emption doctrine – in military terms. The result has been the undermining of the existing nuclear non-proliferation structures and treaties and the increasing politicisation of the issue. The move initiated by the US of bringing the proliferation issue within the domain of the UN Security Council has added to the conflictual framework of the non-proliferation issue.

Till the issue got dragged to the UNSC, the main institution to deal with this issue at the global level was the IAEA, which was to supervise the safeguards agreements, both within the NPT context and outside of it, monitor implementation of the NPT and other nuclear-related agreements and provide technical assistance in the field of civilian nuclear energy. In addition, traditionally, the practice had been that the UN had evolved a distinct mechanism to deal with issues of arms control and disarmament, primarily through the Conference on Disarmament (CD). The UN had also held periodic conferences relating to disarmament. In fact, the CD was established in 1979 as the single multilateral disarmament negotiating forum of the international community as a result of the UN’s First Session on Disarmament in 1978. The CD has a special relationship with the UN and adopts its own rules of procedure and agenda, but takes into account the recommendations of the General Assembly and proposals of its members. It reports to the UNGA, at least annually, and its budget is included in that of the UN. The work of the conference is conducted by consensus.

Till the Iran nuclear issue, the UN Security Council had not played a central role in issues relating to nuclear proliferation. The idea of this separation of functions was partly to avoid arms control and disarmament issues from falling prey to the politics of the UN – especially the Security Council and the machinations of the veto. The IAEA, especially, adopted a technical approach to its three main functions: safety and security; science and technology; and safeguards and verification. With the Iran nuclear issue being brought to the UNSC all that has now altered.

The main threat in terms of proliferation is now being perceived in the form of non-state actors so the whole issue of non-proliferation has become linked to the issue of terrorism. It is at this level that the US has led the international community into altering the whole focus of the non-proliferation issue in terms of structure – by trying to bring it directly under the purview of the UNSC, where the veto replaces consensus. Within the context of nuclear non-proliferation, which has now become inextricably linked to the overall issue of WMD proliferation, this has been done through the passage of UNSC Resolution 1540 in April 2004. This Resolution was a US initiative aimed at preventing acquisition of WMD by non-state actors. Many states were concerned at the UNSC's attempts to legislate on arms control and disarmament under Chapter VII of the UN Charter – especially since the UNSC comprises only 15 states. As the Pakistani Representative to the UN put it: *"The Council could not assume the stewardship of global non-proliferation and disarmament issues. Composed of 15 States, it was not a representative body. It could not enforce the obligations assumed by five of its members which retained nuclear weapons since they also possessed the right of veto."*<sup>26</sup>

The involvement of the UNSC, through a Resolution invoking Chapter VII of the Charter, undermines the whole structure of safeguards and verification procedures built up through the IAEA's non-political approach to the issue. This technical approach had provided a certain level of trust and credibility to the IAEA, which allowed it to access states like Iran and North Korea. The UNSC will undermine this approach. But, in reality, the IAEA was already being undermined by the US and Britain – especially the

manner in which they dealt with the Libyan issue, where all the nuts and bolts of Libya's nuclear development were taken away by these two states, while the IAEA was brought in to mop up with some form of inspections.

Perhaps the most damaging development that has taken place has been the focus on non-state actors as the main proliferators - reflected in the so-called A.Q.Khan network. The focus on this network - or rather the one individual in the network, Dr Khan - has totally detracted from the continuing proliferation between states - in total violation of their international treaty and other obligations and commitments. It is this neglect and lack of censure for state proliferation that has allowed the US and India to aid their allies and now each other in complete disregard of the NPT and NSG provisions. Until such time as mechanisms are created to enforce punitive action against states indulging in proliferation, the problem of proliferation will continue to be a source of strategic instability and a multiplier in threat exacerbation in volatile regions.

#### **End Notes**

1. See S. Mazari, "The Proliferation Trail" in *Strategic Studies*, Vol.XXIV, No. 1, Spring 2004
2. Ibid.
3. Ibid.
4. On a visit to Oslo, Norway, in 2004, I was informed by a Norwegian journalist (on February 9, 2004) that Norway itself had also sold heavy water clandestinely to Israel.
5. Mazari, op.cit.
6. Ibid.
7. Ibid.
8. Ibid.
9. As cited in, Ibid.
10. Ibid.
11. *BBC News*, 22 February 2000
12. see *AxisofLogic.com*
13. Clair Hoy & Victor Ostrovsky, *by Way of Deception*. Stoddart Publishing Company Ltd.: Toronto, Ontario, 1990. P.12.
14. David Albright & Susan Basu, "India's Gas Centrifuge program: Stopping Illicit Procurement and the leakage of Technical Centrifuge Know-How", at <http://www.isis-online.org/publications/southasia/indianprocurement.pdf>

15. Iran signed the ratified the NPT in February 1970, the Chemical Weapons Convention in November 1997 and the Biological Weapons Convention in August 1973.
16. See [www.nti.org](http://www.nti.org)
17. Ibid.
18. S. Mazari, "The writing on the wall", *The News*, July 26, 2005.
19. Ibid.
20. David Albright, "India's Nuclear Tests: Will They Open New Possibilities for Iraq to Exploit?" ISIS Issue Brief, May 28, 1998, at <http://www.isis-online.org/publications/southasia/indiraq.html>
21. ISIS brief, May 28, 1998
22. *CNN*, January 26, 2003.
23. Ibid.
24. Ibid.
25. Like Iran, Pakistan has also ratified the Chemical and Biological Weapons Conventions'.
26. UNSC Press Release SC/8076 28/04/2004

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