

# INDIA – PAKISTAN PEACE PROCESS AND PROGRESS ON KASHMIR ISSUE DURING THE PARVEZ MUSHARRAF REGIME

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## ABSTRACT

*In Indo-Pakistan relations, conflict, rivalry and hostility started immediately after their independence in 1947 followed by the first Indo-Pakistan war. Their bilateral relations have always been jeopardized by the Kashmir issue. They fought three conventional wars and faced several crises during the pre-nuclear and nuclear periods over the question of Kashmir. Both states acquired nuclear weapons with the primary aims of balancing each other and deterring wars. This hostility generated a kind of arms race in South Asia. Both countries have been trying to find mutually acceptable solution to the question of Kashmir issue since the time of its inception. In addition to the third party interventions, a number of bilateral negotiations at different levels have been initiated by the two countries to settle the protracted issue.*

**KEY WORDS :** *International Relations, India, Pakistan, Kashmir, Terrorism, Parvez Musharraf*

No other dispute took much prominence in the bilateral relations as the issue of Kashmir between India and Pakistan. Since the independence and division of India-Pakistan, this problem endured and later on went on the edge of nuclear disaster threatening the security and stability of the entire region. There are multiple reasons for the origin of the problem such as colonial policies, the state of indecision of the ruler of the state and tenacious attitude of the both countries not to compromise less than on the whole territory of Kashmir.

Pakistan's official policy towards Kashmir has been centered on the 47th resolution by the UN Security Council on April 21, 1948. It sought to resolve the Kashmir problem through a free and impartial plebiscite. The plebiscite is to be conducted under the auspices of United Nations. Pakistan derives its stance from its own perception of history, based on the following premises:

- (a) Kashmir is the core issue between India and Pakistan.
- (b) The Muslim-majority princely state of Jammu and Kashmir (J&K) should have naturally formed part of Pakistan following partition of British India on communal lines.
- (c) India has occupied this territory by force and fraud against the wishes of its people. India has reneged on its pledge to hold a plebiscite to ascertain the wishes of the people of Kashmir.

(d) The UN resolutions recognize the Kashmiri people's right to self determination.

(e) The Simla Agreement does not supersede UN resolutions. It is only a means to secure the grounds for their implementation, through bilateral negotiations. It also does not foreclose the possibility of third party mediation.

(f) Pakistan is obliged to provide diplomatic and moral support to Kashmiris fighting for their 'freedom' and for realizing their 'right to self-determination'.

In clear contrast to Pakistan's assertions, India considers accession of Kashmir to the Indian Union final and irrevocable. The 1994 resolution in Indian Parliament clearly declared the whole of Jammu and Kashmir as an integral part of India and asked Pakistan to vacate the areas it had occupied through aggression. Indian Prime Minister Atal Bihari Vajpayee clearly stated the Indian position on Kashmir in the Independence Day address in 2002, "We wish to state that Jammu and Kashmir is an integral part of India. It will remain so... For us Kashmir is not a piece of land; it is test case of sarvadharmasadbhava- secularism. India has always stood at the test of secularism. Jammu Kashmir is living example of this"( The Times of India, 15 Aug 2002).

When General Pervez Musharraf took over Islamabad in October 1999, he advocated the traditional

Pakistani position on Kashmir. He said, "The former princely state was an integral part of Pakistan. There should be a plebiscite of the Kashmiri people in accordance with UN resolutions, so that they could achieve self-determination.(Barua,1999)" He supported the Pakistan-backed Kashmiri insurgency as the only way to put pressure on Delhi. He insisted that improved relations between India and Pakistan were contingent on a resolution of the Kashmir dispute.

Pervez Musharraf was, perhaps, first Pakistani President who brought about a paradigm shift in the Kashmir policy. Musharraf took certain sound diplomatic measures to distract international attention from Pakistan's policy towards jihad in Kashmir. He helped Pakistan to adjust to the new strategic environment by getting engaged in a peace process with India to resolve bilateral issues through dialogue since the beginning of 2004. In the spirit of the Islamabad Joint Press Statement of January 6, 2004, Both countries agreed that CBMs will contribute to generating an atmosphere of trust and mutual understanding so necessary for the well being of the people both countries. The Joint Statement read:

"Prime Minister Vajpayee said that in order to take forward and sustain 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 for supporting terrorism in any manner. President Musharraf emphasized that a sustained and productive dialogue addressing all issues would lead to positive results."(Budania,2013)

In Islamabad both leaders welcomed the steps towards normalization of relation between the countries. Both sides reaffirmed their commitments to the joint press statements of, and seeking 'peaceful settlement of all bilateral issues, including Jammu and Kashmir, to the satisfaction of both sides. Peace talks on Jammu and Kashmir were held on 27-28 July 2004, in New Delhi led by the Indian Foreign Secretary Shashank and his counterpart Riaz Khokhar. In the talks no concrete progress was made, yet the talks were regarded by sides as 'useful', a 'good first step' and 'positive and concrete'.(Mishra,2007,p511)

In the Joint Statements at New York on 24 September, 2004 Manmohan Singh and Pervez Musharraf reiterated their commitment to continue the bilateral dialogue to restore normalcy and co-operation between India and Pakistan. Addressing the United Nations Summit of World Leaders at the hall of the

General Assembly, the President said: "We want the dialogue process to be result-oriented and initiate a new era of peace and cooperation in South Asia. Our nations must not remain trapped by hate and history in a cycle of confrontation and conflict. For this to happen it is essential to find a just solution of the dispute over Jammu and Kashmir acceptable to Pakistan, India and above all the people of Kashmir." (Outlook)

They agreed that confidence building measures (CBMs) of all categories under discussion between the two governments should be implemented keeping in the mind practical possibilities. They also addressed the issue of Jammu and Kashmir and agreed that possible option for a peaceful negotiated settlement of the issue should be explored in a sincere spirit and in a purposeful manner. The progress in bilateral talks during 2004 and 2005 was reviewed in the talks between Indo-Pakistan Foreign Secretaries Shyam Saran and Riaz Mohammad Khan, respectively, in New Delhi on 17-18 January 2006, which initiated the third round of the peace process. The review talks covered J&K and related CBMs, especially the bus service between Srinagar and Muzaffarabad and between Poonch and Rawalakot. The discussion was indicative of the change in their mindsets of moving away from polemics and one-upmanship and making special efforts to improve the ground situation through constructive and meaningful measures. The operationalization of the bus services, enforcement of cease-fires along the Line of Control (LOC) and Actual Ground Positioning Line (AGPL) are testimony to the willingness of the two sides to diffuse tensions through people-to-people contacts and troop disengagement.

General Musharraf made a much more significant statement in which he confirmed a major concession. He had hinted, "The long-standing Pakistani demand for a plebiscite in Kashmir could be dropped. We pledged on United Nations Security Council Resolutions but now we have left that aside. If we want to resolve this issue, both sides need to talk to each other with flexibility. We are prepared to rise to the occasion; India has to be flexible also.(Noorani,2006,p31-36)

He altered it in five measures respect and had narrowed the possibilities of a solution to one measure issue. The five major reversals are:

1. Setting aside U.N. resolution on plebiscite
2. Substituting self-governance for self determination,
3. Discarding religion as a criterion,
4. Advising Kashmiris to talk to New Delhi,

5. Accepting the line of control (LoC) provided it is coupled with joint management, an issue preeminently susceptible to compromise.(Ibid)

Musharraf has brought the dispute to the very gates of a solution. Diplomatically, there was no common ground, hitherto, on his negotiation could profitably begin. It was Musharraf's distinctive contribution that he had identified and developed that area. On October 25, 2004, at an Iftar party, General Musharraf tossed out some ideas for resolving the Kashmir dispute, primarily for the purposes of media and domestic debate in Pakistan. He suggested *identifying regions of Kashmir on both sides of the LoC, demilitarizing them, and granting them independent status or placing them under either joint Indo-Pak control or a UN mandate*. The details of four point formula may be discussed as-

**First**, identify the geographic region of the Kashmir that need resolution. At present the Pakistani part is divided into two regions: Northern Areas and Azad Kashmir. The Indian part is divided into three regions: Jammu, Srinagar and Ladakh. Musharraf imagined that the treatment of Jammu and Kashmir as seven distinct region. According to him two of these are under the control of Pakistan (the Northern Areas and Pakistan occupied Kashmir, which is referred as Azad Kashmir in Pakistan) while the remaining five are with India.

**Second**, demilitarize the identified region or regions and curb all militant aspect the struggle for the freedom. This will give comfort to the Kashmiris who are fed with fighting and killing on the both side.

**Third**, introduce self governance or self rule in the identified region or regions. Let the Kashmiris have the satisfaction on running their own affairs without having an international character and remaining short of independence.

**Fourth**, and most important have a joint management mechanism with a membership consisting of Pakistanis, Indians and Kashmiris overseeing self governance and dealing with residual subjects common to all identified and those subjects that are beyond the scope of the self governance.(Ibid)

The proposal evoked little interest in New Delhi, primarily because it sought to isolate the "Muslim majority" areas on a religious basis, which in principle was a nonstarter for India. The Prime Minister of India said the need was to make borders meaningless. India has also repeatedly reminded Pakistan that

addressing terrorism and improving the situation on the ground were necessary conditions to making possible any progress in Kashmir. While India has raised terrorism-related issues in talks, Pakistan, in response, has raised the issues of human rights violations and the reduction of troops in J&K.

Prime Minister Dr. Manmohan Singh said that it would require ingenuity to reconcile the three positions, namely, the Indian position that border would not be redrawn, the Pakistani position that the status quo was unacceptable and the Prime Minister's own formulation that while the border would not be redrawn, it was possible to make the border irrelevant. There is a need to evolve a common understanding on autonomy and self-rule for the state of Jammu and Kashmir and working together with all groups, both within and outside the mainstream. We can arrive at arrangement within the vast flexibilities provided by the constitution. These are the arrangements which provide real empowerment and comprehensive security to all the people of Jammu and Kashmir. In this regard Dr. Manmohan Singh made four points:

- a. Step by step approach
- b. Dialogue by both India and Pakistan with the people in their areas of control.
- c. Border cannot be redrawn but we can work towards, making them irrelevant- toward making they just line on a map. People on both side of loc should able to move more freely and trade with one another.
- d. The two part of Jammu and Kashmir can with the active encouragement of the government of India and Pakistan, work out cooperative consultative mechanism so as to maximize the gains of cooperation.

There were some strong reasons for creation of a congenial atmosphere to resolve the contentious issues including the central problem of Jammu Kashmir. In Pakistan there is troika of administration namely army, civil government and the religious leaders and their groups. Military always dominates the decision making process and lag the civil government behind in their effectiveness. There is a type of mutuality between religious leaders and army. This time in the era of Pervez Musharraf, the military man was the head of the government and had control over the decision making process. The time was very ripe time for pushing the peace process forward between these two countries. Public expectations of the summit were too high. General Musharraf seized the initiative by holding a series of meetings with Indian journalists in which he argued that he was willing to move on all issues in

tandem. In other words, a solution to Kashmir did not have to precede discussion of any other issues. At the same time, he argued, India had to recognize the centrality of the Kashmir dispute. If this was done, he insisted, he was open to compromise and optimistic that progress could be made.

The terrorist act of September 11, 2001, brought a revolutionary change in the international security paradigm. As the countries tried to adjust to the new security environment, the war against terror brought war closer to south Asia. Pakistan emerged as the frontline state in this war. Its foreign policy towards its two important neighbors, India and Afghanistan, underwent a strategic shift. It was quick to disown the Taliban. Its dilemmas were perceptible when it was confronted with the issue of dealing with terrorism in Kashmir. With international pressure mounting, Pakistan brought in some shift in its Kashmir policy.

India and Pakistan both tried hard to resolve the issue at official level. After the United Nations commission on Kashmir asked both countries to resolve the issue bilaterally, a series of talks and negotiations have been made but none were effective to achieve the goal. The progress on resolution of Kashmir issue in the era of Musharraf has been tremendous in the sense that he broke himself from the past and offered a realistic solution to this problem. Pervez Musharraf perhaps was familiar with this fact that the resolution of the problem lies somewhere in compromise by both countries. He offered a plan of joint mechanism where both the countries have their say in the administration of the region. This plan appears too practical and realistic on some account. This is hard truth that neither India is going to have sole control over total region of neither Jammu and Kashmir nor Pakistan. Both countries should try to reach a solution which is acceptable to both the parties. So much for the substantive aspect and now for the procedural aspect-how do we proceed toward a solution of the Kashmir dispute?

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