**Terms of engagement**

BY M A L E E H A L O D H I 2021-05-03

NOW that a backchannel between Pakistan and India has been confirmed by a senior official it would be appropriate to evaluate its nature and implications. Efforts to de-escalate tensions between the two nuclear neighbours are always welcome. But given the history of false starts and the one step forward, two steps backwards engagement in this long-troubled relationship it is important to take into account lessons of the past and onground realities, especially as the dire situation created by India in occupied Kashmir remains unchanged.

There is nothing unusual about a backchannel. It is frequently used when formal dialogue between countries is suspended. This was often the case in the past when Pakistan and India demurred from engaging in open talks. Backchannels are useful to confidentially probe, explore and assess how much give there is in the other`s position. This is harder in a formal forum where negotiating parties stick to maximalist positions at least at the start. During the Musharraf period backchannel negotiations on the Kashmir dispute took place over three years to find an interim settlement. This marked the most serious ef fort in recent decades to find a political solution of Kashmir. The talks were conducted by civil servants who enjoyed the confidence of president Pervez Musharraf andprimeministerAtalBihariVajpayee.

What has been disclosed about the current backchannelis that talks are being conducted by the chiefs of intelligence of the two countries. This isn`t the only dif ference from past backroom ef forts. The Musharraf era process began with a public acknowledgment by both sides of the resumption of formal talks. The joint statement of Jan 6, 2004 stated that `the resumption of the composite dialogue will lead topeacefulsettlementof allbilateralissues,including Jammu and Kashmir, to the satisf action of both sides`. The backchannel subsequently set in train was an accompaniment to formal talks that covered all issues of priority for both sides. Negotiators on the backchannel were publicly named.

While information about the present backchannel has been revealed by Pakistani ofhcials this has been met by silence on the Indian side. Therehave been no background briefings or leaks by Indian officials. This one-sided admission may have unwittingly created the impression of overeagerness by the Pakistani side. Moreover, making public disclosures at a preliminary stage of sensitive talks raises the question of whether it is prudent before anything significant has been agreed.

As the present engagement is being cast as `talks about talks`it might be useful to keep the following f actors and principles in view.

One, Pakistani interlocutors should seek to test and verify assess if the Indian move is tactical or strategic and proceed cautiously. Our of ficials claim India is prepared to talk on all issues. What should be ascertained is what exactly is meant by that.

Whether it means Indian willingness for substantive discussion on outstanding disputes including Kashmir or just a `dialogue of the deaf` and re-statement of its f amiliar position that Kashmir is India`s `internal matter` and the `new` status quo created by its Aug 5, 2019, action is non-negotiable.

Two, Pakistan must maintain its red lines on its principled position on Kashmir especially as Indian media reports suggest that Delhi`s expectation is for Pakistan to cease insisting on reversal of the illegal annexation of Kashmir. While pursuing the near-term aim, as identified by Pakistani officials, of providing `relief to the Kashmiri people`, presumably through CBMs, this should be done in tandem with and not as substitute for substantive talks on the issue. Again, past experience is instructive. Kashmir-specific CBMs agreed in the composite dialogue during 2004-08 were an accompaniment to and not replacement of negotiations on Kashmir.

Three, `process` in the backchannel should not be mistaken for substance. It has long been India`s aim to draw Pakistan into a process with no outcomes in settling disputes and thus to demonstrate to the world how reasonable it is without conceding anything. Delhi has sought to achieve normalisation on its terms without resolving disputes and instead prioritising the two T`s, terrorism and trade. From this perspective, normalisation for the sake of normalisation should be avoided as this willbe transient, lack substantive content and therefore durability. De-escalation of tensions is an aim worth pursuing but that is different from normalisation, which should be predicated on efforts and progress in resolving differences. Normalisation can only come about gradually and should be distinguished from managing tensions.

Four, the backchannel should not become the sole track of Pakistan-India engagement. It should lead to the resumption of formal and comprehensive dialogue. India`s apparent suggestion in the backchannel that issues should not be `bundled up` in a composite dialogue is fraught with risk. It seems a way for Delhi to focus mainly on its priority areas and avoid a broad-based, integrated dialogue that Islamabad has long wanted.

Revival of track one peace talks is also necessary because engagement confined only to a backchannel will give the other side much wriggle room precisely because informal talks may not bind parties to any commitment. In any case agreements reached in track two have to be formalised in `front channel` talks. Diplomatic negotiations should be conducted by experienced diplomats who are best equipped to deal with them. The foreign ministry should also be consulted and kept fully on board on backchannel talks.

Five, announcements should only be made once there is progress in the backchannel and through mutual agreement by both sides. Significantly, conciliatory statements by Prime Minister Imran Khan and army chief Gen Qamar Bajwa have not been reciprocated by Indian leaders. This as well as Delhi`s lack of comment on the backchannel may be designed to convey that Pakistan is keener on normalising ties owing to its domestic vulnerabilities and compulsions. This plays off an unwitting impression created by some Pakistani of ficials who have said the country`s weak economy is the principal motivation for its peace overture to India.

Last but not least, peace with honour should remain the immutable principle of Pakistan`s engagement with India.  The writer is a former ambassador to the US, UK & UN.