

Time to deliver

Pak.F.R. India

BY DR MUBASHIR HASAN

The President of Pakistan and the Prime Minister of India met in Islamabad. They made history. The joint statement issued on January 6, 2004 reflects the understanding reached between them. For a moment, let us not be cavilling or censorious about the text of the statement. The two sides are committed to what they have signed on. No more and no less. The statement embodies enough for both sides to agree or fall apart.

The governments of Pakistan and India have now to get on with the job of "the resumption of the composite dialogue" leading to "peaceful settlement of all bilateral issues, including Jammu and Kashmir, to the satisfaction of both sides". If the proceedings of the Agra summit are any guide, the issues of Kashmir and national security will be on top of the agenda of the coming negotiations.

The progress of the composite dialogue would be easy when it comes to implementing some of the confidence building measures. For instance, there should be little difficulty in restoring the status-quo ante in so far as re-establishing communication links, increasing the staff of the high commissions, opening consulates and relaxing the visa regimes are concerned. However, perceivable progress in the discussions towards the resolution of the Kashmir issue and towards completely preventing the use of territory under Pakistan's control by militants may present formidable challenges for sustaining the dialogue. Take the case of the resolution of the Kashmir issue.

The elections for Lok Sabha are due to be held this year. Discussion in the dialogue of any concrete proposal, even in principle, which will ultimately require approval from the Indian parliament, may evoke controversy which BJP government may not like to raise for fear of affecting its electoral votes. Therefore, any discussion with India on a proposal involving territorial give and take in Kashmir will not find a place on the agenda. Similarly, any substantive discussion on the settling of border question relating to Sir Creek shall remain out of question. Discussions of this nature may have to wait until general elections have been held and a new government inducted in New Delhi.

Although during his summit encounter, "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", it may be beyond the capacity of his administration to deliver fully on the reassurance. Terrorists are much too deeply entrenched in the body politic of Pakistan. There have been several murderous attacks on President's life. Senior and junior police officers are attacked and killed in Pakistan at an alarming frequency. Our government's ability to bring terrorism under control is quite limited. Pakistan will take years to get rid of terrorism from its soil. For the sake of sustaining the dialogue, India may have to take the incidence of violence, such as they may occur, in its stride as it had done at the time of Lahore and Agra summits.

The process of the dialogue is not going to be easy. What President General Musharraf and Prime Minister Vajpayee set out to achieve in Islamabad can be in jeopardy on at least two counts. It may not be possible for the Jamali-Musharraf government of Pakistan to continue, indefinitely, taking steps towards normalisation of relations without India taking any substantive steps towards what Pakistan considers "the core issue". At some point Pakistan may declare, "this much and no more".

At some point Pakistan may declare, "this much and no more". Unless progress is shown on the resolution of the Kashmir issue, there shall be no talks, Pakistan may contend.

Unless progress is shown on the resolution of the Kashmir issue, there shall be no talks, Pakistan may contend.

On the other count, it is highly probable that serious violent incidents occur while the dialogue is going on. Jehadi elements are no friends of Musharraf. They have a vested interest in the Jihad. They would like to do all they can to embarrass Prime Minister Jamali and President Musharraf. Such a situation may prove to be a disincentive for India to continue the talks. It would be well if both sides announce without delay that no incidents of violence will stop their negotiations.

Will Pakistan and India be able to continue the talks while some incidents of violence take place? Will India be able to show some progress on Kashmir before it is through the general elections? What progress then can the two countries show in their negotiations before India goes for general elections later this year and violence is completely stopped? Herein lays the key for the progress of the proposed composite dialogue.

Fortunately, there is sufficient scope for making progress during the initial phase of the dialogue without raising controversies which may adversely affect the electoral prospects of the BJP coalition government. The solution of the Kashmir issue and the stoppage of violent acts in Kashmir are not without linkage. The resolution of the Kashmir issue will stop acts of violence in that territory to a very large extent. Conversely, the stoppage of violent acts will not guarantee the resolution of the Kashmir issue unless, simultaneously, efforts are made to convince the people of Kashmir that the dialogue is a genuine effort to resolve the issue. Any violence is counter-productive.

On both sides of the LoC, the people of the former state are infected with the virus of nationalism. Many have shed their lives for the cause. The power behind the nationalist fervour should not be underestimated. The nationalists are strong enough to derail any solution of the issue, solely, bilaterally arrived at between India and Pakistan and imposed by force. The continued use of force or the threat of it may shatter any dream of permanent peace not only in Kashmir but elsewhere as well.

For both, India as well as Pakistan, the route for the settlement of the issue of Kashmir peacefully, on the negotiating table, goes through the hearts and minds

dia 14/1/04 The Nation

of the people of Kashmir. At the moment both the countries have lost much of the credibility they used to have in the years gone by. The people of the state have to be convinced once again that the process of the composite dialogue is a genuine effort to fulfil the wishes and aspirations of all the areas of the former state. Indeed, the people on both sides of the LoC have to be convinced that they will be made a partner in the process of the resolution of the issue.

Thus the task before the negotiating teams of India and Pakistan is not merely to agree between themselves how to normalise their relations as neighbours, it is also to take the people of Kashmir with them. As mentioned earlier, securing the consent of Kashmiris is crucial. However, the present environment in Kashmir is not quite conducive for discussion of any long-range political dispensation. This environment has to be created. Besides violence which hopefully will subside, the people of Kashmir are faced with acute social and political problems. In order to play its due role, the former state of Jammu and Kashmir needs peace, security and an environment of political freedom and reconciliation. It is essential that the steps taken by the two governments to create such an environment are deemed by Kashmiris as bona fide acts for the resolution of the main issue.

Among the first tasks of the two governments should be the following:

- *All prisoners held without charge should be released

- *General amnesty should be declared for those who are in custody or are at large and are accused of crimes for political reasons.

- *Judicial processes should be activated for other Kashmiris who are in custody in Kashmir or India.

- *Tribunals to investigate missing persons should be set up.

- *Innocent persons who have suffered from the actions of the state should be compensated.

- *Further actions under laws which permit detention and trial without recourse to normal procedures and codes should be stopped.

- *All laws which deny justice in accordance with the UN Charter of human rights should be repealed

- *National and International human rights organisations should be allowed access to all parts of the former state.

- *Passengers and goods traffic should be allowed across the Line of Control

- *Visas and Passports should be freely issued to citizens on both sides of the Line of Control

- *Freedoms of expression, assembly and association should be guaranteed in all the areas of the former state

- *The size and the presence of the security forces should be rapidly reduced throughout the former state.

- *Those who have emigrated out of Kashmir for the fear of life and property should be rehabilitated in their original abodes.

- *The people of Kashmir should be encouraged to meet and develop consensus on the solution of the Kashmir issue acceptable to them and to Pakistan and India.

Only when India and Pakistan take measures which will win the confidence of Kashmiris for a genuine political settlement they will meet with success they are aiming at in the composite dialogue.

E-mail queries and comments to:
shahwar@nation.com.pk