

The January 6 statement: a reflection of realities

Pak. Fed. India 15/1/04 The News

While there is widespread support within Pakistan's policy-making community, the public and even among the Kashmiris for President Pervez Musharraf's pro-peace India policy, there is reservation among some sections of the policy-makers regarding the January 6 joint press statement. Significantly almost all of Pakistan's retired and serving diplomats, from the hard-line Agha Shahi camp and the soft-line Sahibzada Yaqub Khan camp, are critical of the statement. A statement which was authored and approved by the Indian PMO and the Pakistani presidency had minimal input from the serving diplomats of the two countries. The principal Indian interlocutor Brajesh Mishra is of course a former seasoned diplomat. There was no diplomat in Pakistan's principal negotiating team. The President himself closely followed its drafting. Finally he approved it.

Significantly the January 6 statement reflected a change in Delhi's earlier position. Indians had ruled out dialogue with Pakistan until cross-LoC infiltration would stop, until Pakistan would "dismantle the terrorist infrastructure", until the end of next summer to ensure that the reduction in cross-LoC infiltration and until after the October 2004 Lok Sabha elections. The January 6 statement came because the Indian Prime Minister Vajpayee altered this earlier position. The Pakistani President meanwhile reiterated his previous position of controlling cross-LoC infiltration and asking India to return to the dialogue table. In exchange for India's commitment to return to the dialogue table Musharraf penned down what he had earlier committed to do in his January 12, 20002 speech and subsequently in his June 2002 meeting with US Under Secretary Armitage — to not allow armed struggle inside Indian Held Kashmir to be 'nourished' through Pakistan-trained freedom fighters.

This notwithstanding, the critics of the statement maintain Pakistan has conceded too much. Pakistan's prized diplomats who have fought Pakistan's hardest battles against India when our army blundered in battlegrounds, now fear the military may also blunder on the diplomatic front. Many question the wisdom of showing excessive flexibility on UNSC resolutions without actually entering into a dialogue on Kashmir. The fact remains that Musharraf has offered flexibility on UNSC resolutions only if India's reciprocates with flexibility on a substantive aspect of Kashmir. There is no question of Pakistan walking away from the UNSC resolutions. Demonstrating flexibility to engage the opposing party and to create space for negotiations appears to have forced some flexibility out of India.

Likewise, of the many criticisms of the statement, five need to be examined. One, that by not mentioning the UN resolutions in the statement Pakistan has abandoned the UNSC resolutions. While there is no mention of the resolutions the fact is that Indian agreement in the statement that Kashmir is a bilateral dispute and needs to be resolved to "the satisfaction of both sides" primarily because of the legal *locus standi* that the UN resolutions give to Pakistan as a party to the dispute.

Two, that by referring to Kashmir as a bilateral issue and not as "an outstanding issue" Pakistan has accepted the issue as India has



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demanding it within the bilateral framework. Kashmir therefore can no longer be referred to as an international issue. Not quite. The truth is that as an international issue Kashmir has come to the fore because of two reasons: one, because it involves two nuclear states and two, because of the ground situation in Indian-Held Kashmir. The UNSC resolutions have not generated even enough moral authority to force India to allow the UN Secretary General to visit India. Meanwhile Pakistan a UNSC member was unable to hold an informal hearing for the UNSC members on Kashmir under the Arrya formula end 2002 because US intervened to stop the planned hearing.

Three, that by not mentioning Kashmiris alongside India and Pakistan, to whose satisfaction the dispute must be resolved, the Kashmiris have been left out as the principal party to the dispute. The fact is that there are only two states involved in the dispute on whom lies the onus to ensure that Kashmiri right of self-determination has to be exercised. There can be no solid progress on the Kashmir dispute without input from the Kashmiris. Pakistan is the principal supporter and the guarantor of the Kashmiris resolving the dispute. Despite even some of the serious mistakes committed by Pakistan in its Kashmir policy it has never contemplated 'selling' the Kashmiri cause. The single-most fatal blow that Pakistan could inflict on the Kashmiri movement would be to accept the LoC as an international border. That Pakistan is unlikely to do. Kashmiris continue to trust Pakistan and according to early reports from the Valley they believe the January 6 statement is a positive development since India concedes that the solution of Kashmir is yet to be found.

Four, Pakistan has conceded linkage between terrorism and the Kashmir issue since there was no mention of Indian state atrocities on the Kashmiris. Yes there is no mention of state atrocities on Kashmiris but since the flip side of the armed struggle in Kashmir (violence as the Indians would refer to it) is not state terrorism but Indian refusal to address the Kashmir dispute through political and diplomatic dialogue. India has conceded dialogue on Kashmir in that statement. Nevertheless compared to even Agra, where the President refused to be drawn into a debate on cross-border terrorism, the communiqué has left out state terrorism but conceded to the Indian demand that terrorism, violence and dialogue on Kashmir cannot move simultaneously. Musharraf had himself offered the linkage between end to cross-LoC infiltration and a unilateral ceasefire with the commencement of dialogue on Kashmir. That linkage has been penned down. Much of the statement is indeed putting in black and white what has been an operational and articulated reality.

Five, by agreeing to the formulation in para 5 of the statement which states that two leaders "agreed allowing the process of the composite dialogue" Pakistan has allowed India to drag its feet on starting composite dialogue.

Not really. Indian leadership understands that it will have to move ahead swiftly to keep the peace momentum going. There is no ironclad undertaking by either side in the statement. It is a reflection of a decision arrived at by the two leaders. If both can deliver and be seen to deliver, the peace process will be 'up and running.' If either party reneges, the 'peace' tragically will be off. And so will be the political path to solving the Kashmir dispute. Men on both sides know this fact. On Kashmir both sides are failure and frustration hardened. They are looking for a success route.

Given all these facts the critique of Pakistan's diplomats appears to be flowing from the prism of diplomacy alone. The statement flows from a mix of pragmatism and statesmanship. Meanwhile, the valid grouse of those who recall the military's misplaced criticism of the civilian Prime Minister's Lahore initiative while now settling for ostensibly less than a Lahore-type dialogue framework, does not justify opposition to the joint statement. The February 1999 environment and the January 2004 is a radically altered one. The limits to what state terrorism and armed struggle alone can deliver are fairly pronounced; more compromises are hence in order. No surrenders.

The statement also reflects its authors' altered perceptions. India realised that zero violence is no viable precondition for dialogue and that solution of the Kashmir problem "to the satisfaction of both" was essential for sustained peace and cooperation. Pakistan's establishment has concluded that the road to Kashmir solution must pass through bilateral cooperation and trust building. It recognises that although the solution to the Kashmir dispute would take time alongside initiation of a composite dialogue, cooperation and confidence building is necessary. In signing SAFTA Treaty framework the Pakistani establishment has given up its decades old position of no trade with India unless Kashmir issue is resolved.

Insofar as the statement genuinely reflects Musharraf and Vajpayee's conclusion that "the common objective of peace, security and economic development for our people and for future generations" must be pursued with sincerity, it signals a paradigm shift in the leaderships' mindset. They appear to have been driven by a vision for the future rather than the usual point-scoring and distrust. Behind-the-scene assurances by both sides to address the concerns of the other would have contributed to this mind-shift. What this paradigm shift has produced is the first tentative yet crucial step towards a forward looking framework for South Asia. The statement addresses both the problem of violence and the cause of violence too. Progress on one will determine the progress on the other. To this extent there are no winners and no losers.

If this first step does convert into an ongoing robust and sustainable peace process, it will mean there is consensus within the Indian foreign policy-making establishment that a just peace with Pakistan is in India's own strategic interest. If they do not arrive at such a conclusion then this very statement can become the basis of more diplomatic battles between India and Pakistan. Then the interpretation of the language of the statement, which is susceptible to differing interpretations, will become the basis of greater disagreements. Both sides indeed would also be prepared for such an eventuality.