

Dialogue with India

By Ghayoor Ahmed

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FOLLOWING the joint statement issued after Musharraf-Vajpayee meeting in Islamabad on January 6 last, the stalled peace process between Pakistan and India restarted and the two countries pledged to find a solution to settle all bilateral issues, including Jammu and Kashmir, to the satisfaction of both sides.

On February 18, after a three-day foreign secretary-level meeting in Islamabad, both agreed to resume the "composite dialogue". They also agreed on the modalities and timeframe for discussions on all issues included in the composite dialogue.

It is heartening that the new leadership in India is also keen to improve ties with Pakistan and to resolve the outstanding problems between the two countries. In his address to the joint sitting of the Indian parliament on June 7, President APJ Abdul Kalam said "dialogue process with Pakistan on all outstanding issues will be pursued on a sustained basis within the framework of Shimla and all subsequent agreements between the two governments, including the joint statement of January 6, 2004".

In his first address to the nation, on June 24, Indian Prime Minister Dr Manmohan Singh, also declared "We desire to live in a neighbourhood of peace and prosperity. We will actively pursue the composite dialogue with Pakistan. We are sincere about discussing and resolving all issues, including Jammu and Kashmir. We recognize that resolution of major issues requires national consensus and accommodation of public sentiment in both countries"

Sinha, in a statement issued on behalf of the Bharatiya Janata Party (BJP) also welcomed the resumption of the composite dialogue between Pakistan and India. Astonishingly, however, he objected to the commitment made by the two countries to the principles and purposes of the Charter of the United Nations, in the joint statement issued at the end of these talks, occurring in the same sentence which referred to the determination to implement the Shimla Agreement in letter and spirit.

Yashwant Sinha found the reference to the UN Charter as weakening the Indian stand that all issues between Pakistan and India should be resolved bilaterally as it may give an opening to Pakistan to bring in the old UN resolutions on Jammu and Kashmir and to involve the third parties in the negotiations.

Yashwant Sinha's argument is, however, untenable. It may be recalled that the Lahore Declaration signed on the conclusion of the former Indian Prime Minister Atal Behari Vajpayee's visit to Pakistan, in February 1999, also contained an identical formulation. Moreover, the Shimla Agreement does not, in any way, preclude or circumscribe the resort to the United Nations for the settlement of the Kashmir dispute to the United Nations in 1948. If it was inevitable to do so. It is also important to note that India itself had brought the Kashmir dispute to the United Nations in 1948.

It may also be instructive to know that the UN resolutions are not the only legal foundation for a settlement of the Kashmir problem. As a matter of fact, the UN Charter, which defines the right of self-determination as a fundamental right of the human beings, provides the basis for the resolution of this dispute.

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Regrettably, owing to the unresolved Kashmir dispute and the resultant political antagonism between them, Pakistan and India have had a strained relationship ever since they gained independence in August 1947. However, the Indian external affairs minister Natwar Singh's recent statement that “Pakistan-India relations no longer lie in the past, but in the future” is a good omen for their future relationship. It also bodes well for the ongoing peace process between the two countries.

The foreign secretaries of Pakistan and India met in New Delhi on June 27-28 to resume the composite dialogue between the two countries. From all accounts, this meeting was very promising as it showed positive trends and may, therefore, be regarded as a step forward towards normalization of relations between the two countries. The two foreign secretaries also made a commitment to promote a stable environment of peace and stability in the region. There was a new mood of realism between the two sides at these talks.

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Yashwant Sinha also objected to Pakistan foreign secretary's interaction with some Kashmiri leaders during his recent visit to New Delhi and termed it as the most disconcerting development. He blamed the United Progressive Alliance government in India of allowing the visiting Pakistan delegation to have access to the Kashmiri leaders. It may, however, be mentioned that the people of Kashmir, who are the arbiter of their destiny, have made it unmistakably clear that their wishes about Kashmir's future political dispensation must be ascertained either directly from them or through their legitimate representatives.

Both Pakistan and India must jointly tread the path of peace to make progress towards a modus vivendi. The only way forward is the dialogue to seek a political resolution of their bilateral problems in an equitable manner. A dedicated diplomatic process, on a sustained basis, would certainly help in ensuring a lasting peace between them and to work out their differences on all outstanding issues including Kashmir.

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India-Pakistan talks

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BY IMDAD AHMED MIAN

The joint statement issued at the conclusion of India-Pakistan foreign secretaries talks is disappointing from the Pakistani point of view because it doesn't go beyond recording the stated policies of the two parties on Kashmir.

Indian is happy to re-establish the central position of the Simla agreement by calling for its implementation "in letter and spirit" while Pakistan is satisfied to take cover of the reference to the UN Charter. The ultimate losers will be the people of Kashmir because India is free to continue with state terrorism there. The only hope for them is that both governments have agreed to continue talks, with the next round in August 2004. But the mere holding of another round will not meet the aspirations of people in any country, especially the Kashmiris. They need immediate relief in the shape of stoppage of state terrorism.

The joint statement reference to the UN Charter is quite mild. Even that was hard to swallow by the Indian media and opposition. Therefore, the Pakistan Foreign Office was pressed to tonedown it in the post-statement Press Conference. He had to say that "The UN Charter was mentioned in the Simla Agreement". So Simla emerges as the focal

point. On the other hand, former Foreign Minister Yashwant Sinha called the references to the UN Charter intriguing and accused the government of a weakening approach that all issues between India and Pakistan should be resolved bilaterally and may give an opening to Pakistan to bring in the old UN resolution in Jammu and Kashmir and to involve third parties in the negotiation. He also accused the Congress government of betraying the national interest by allowing the Pakistan foreign secretary to meet an APHC delegation during his stay in Delhi.

Pakistan has to be satisfied with the agreement to continue with "a sustained and serious dialogue to find a peaceful and negotiated final settlement". What will that "peaceful and negotiated final settlement" be? It can be judged from the joint statement which said that both sides reiterated to implement the Simla Agreement in "letter and spirit". This position was taken by the new Congress government right from the beginning. The Indian President, Foreign Minister and Security Advisor, all had time and again reiterated that the basis of the talks would be Simla and they have struck to their

guns. "Letter and spirit implementation" means that Kashmiris are out of future talks because Simla accepted only bilateral talks for the solution of disputes. Even Pakistan is barred to raise any dispute at any other forum. Thus Pakistani hands have been tied once again. We are bound to resolve the Kashmir dispute as per Simla.

All previous agreements, assurances and promises are dead, including the plebiscite. That is why a section of the Indian leadership and media is opening talking about a solution of Kashmir dispute on the basis of the Line of Control. Would Pakistan be able to exert pressure on India to accommodate the legitimate aspirations of the Kashmiris in future talks? Pakistan's position is weak because her leadership has desperately sought negotiations with India at any cost. Even they have taken a u-turn to accept the demand of India to establish normal relations first and then take up the question of Kashmir.

Pakistan had been taking the stand that other issues are linked with the solution of Kashmir and should take a back seat, unless the core issue is solved. Strangely it is the military government

of President Musharraf which has decided to settle the Kashmir issue at any cost. Although he had refused to salute the Indian prime minister on his arrival at Lahore during Prime Minister Nawaz Sharif's regime and gone to challenge the Indian army in Kargil. It appears that the Pakistani leadership has realized that the decision of Kashmir problem through force by war or even proxy war is not possible. This weak position is realized by India and they have hardened their stand on Kashmir being resolved through Simla, which was an agreement signed by a defeated nation which had accepted the magnanimity of the victor.

The Kashmir leadership has immediately caught the catch of Simla in the joint statement. The APHC leaders called for the inclusion of Kashmiris in talks otherwise the lasting solution of Kashmir problem would not be feasible. Even the Prime Minister of Azad Kashmir Sardar Sikander Hayat in a recent session of the AJK Assembly has underlined the need of involvement of Kashmiris in the peace process.

In the end we have to agree with the conclusion of the New York Times (June 30) saying that "no progress on their dispute over Kashmir" was made. "Both sides reiterated their long-held positions on Kashmir".