

To iron out the kinks

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Pak. & India

Down
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By Kuldip Nayar

IT is an ominous development. At a time when the frozen relations between India and Pakistan are beginning to thaw, the 43-year-old Indus Waters Treaty looks like becoming a point of controversy. Islamabad believes that the Baghlilhar Hydro Power project in Kashmir violates the treaty. It is reportedly seeking arbitration by a third party.

True, the treaty lays down the appointment of a neutral expert if either of the two countries feels that the provisions are being jeopardized. But this development is bound to affect the endeavour to normalize relations. The two countries must once again try to thrash the matter out between themselves. When the engineers from both sides held discussions on the project in the past, the armed forces were confronting each other. The atmosphere was that of enmity. Even a little adjustment was not possible. After Prime Minister Atal Behari Vajpayee's initiative the climate has changed. This calls for some fresh thinking.

The question is whether the 7,000 cusecs of water, sought to be diverted to produce 450 megawatts of power, lessens the quantum of water flowing to Pakistan. If it does not, the matter is reduced to mere technicalities. The problem will not be insurmountable.

In the light of the treaty, Pakistan is justified in feeling that the western rivers allotted to it — Indus, Jhelum and Chenab — are its property as the eastern rivers — Sutlej, Beas and Ravi — are India's. New Delhi should not do anything which could raise even an iota of doubt in the minds of Pakistanis. The places from where Pakistan's three rivers rise are located in India. The people of Pakistan live in fear: India can easily divert the waters of these rivers to harm them.

However unfounded the fear is, the Pakistanis attach more importance to it than Kashmir. New Delhi has to explain and convince Islamabad, with facts and figures, before taking up projects like Baghlilhar that the power generation will not in any way reduce the quantum of water for Pakistan.

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continued to make allegations to the contrary. For nine years the negotiations between India and Pakistan covered a long, tortuous route and even in the last stages, both Nehru and President Ayub had to intervene to put the talks back on track when the prejudice and cussedness of officials looked like derailing them.

Nehru had to face criticism for agreeing to continue supply till Pakistan built its alternative channels. Indian engineers had prepared a formidable case to prove that both Punjab and Rajasthan would be practically ruined if the supply did not reach the two states for the 10-year transitional period. Morarji Desai, then a member of the Nehru cabinet, organized political opinions to oppose the move. Even Govind Ballabh Pant, a central minister loyal to Nehru, expressed his unhappiness over India's "heavy contribution" to the Indus Basin Development Fund. He wanted to get it adjusted against the value of property that Hindu refugees had left in Pakistan.

Nehru brushed aside all objections. He was anxious to build good relations with Pakistan, and settlement of the water disputes could serve as a foundation of Indo-Pakistan amity. Ayub's problem was not politicians but bureaucrats on whom he leaned heavily. Some 30 or 40 engineers and administrators, who were fomenting trouble, accosted him at Lahore. He explained to them that in the absence of a settlement, India could decide to divert the water and starve Pakistan. "If we can get a solution which we can live with, we will be very foolish not to accept it."

"Since the Indian army is three times the size of our army, the dice is heavily loaded against us," he said. "It is not a good bargain but I had no choice under the circumstances and I accepted it." Before the treaty was signed there was a hitch. Ayub was not happy over India's insistence on using in Kashmir "some

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The water dispute is, however, as old as partition itself. When the award by the Boundary Commission chairman Radcliffe split the composite irrigation network of Punjab between India and Pakistan, the irrigation canals went to Pakistan and the rivers feeding them to India. The controlling headworks were evenly divided. Radcliffe threw up the idea of India-Pakistan "joint control." But India's first Prime Minister Jawaharlal Nehru summarily rejected it as "a political recommendation."

Since there was no "joint control," the two countries started arguing endlessly over their respective rights. They still are. Pakistan said that the rivers were common to the subcontinent and hence India could not do anything unilaterally. New Delhi maintained that it was the sole owner of the waters and the headworks in its territory.

Rawalpindi had suggested that the matter be referred to the International Court of Justice, but Nehru rejected the proposal on the ground that it would be a "confession of our continued dependence on others."

In 1951, when Pakistan was on the point of bringing the dispute before the Security Council, an article by David E Lilienthal, former chairman of the US Tennessee Valley Authority, appeared in an American magazine, suggesting a comprehensive engineering plan under which India and Pakistan could develop the entire Indus basin jointly, "perhaps with the World Bank's help." Eugene R Black, the then World Bank chief, had been consulted before Lilienthal wrote the article, and America gave the proposal its blessings.

Since the proposal suggested a way out and was also laced with money, India and Pakistan accepted it. And in response to the formal proposal of the World Bank chief (November, 1951) a "working team" of engineers was appointed to tackle the problem outside the political arena. India gave a guarantee not to disturb supplies until the end of the negotiations — and it kept its word though Pakistan

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water" of the Chenab, a river allotted to Pakistan. "It looked as if the whole thing would break down,"

Rajeshwar Dayal, then India's high commissioner in Islamabad, told me. New Delhi deputed him to talk to Ayub and after a great deal of persuasion he was able to get Ayub to agree to the proposal. In the same way, New Delhi should try its best to persuade Islamabad not to go for arbitration on the project in Kashmir. It will unnecessarily generate heat and spoil the chances of rapprochement.

There is another side to rapprochement: America's role in pressuring Pakistan to stop cross-border terrorism. New Delhi feels let down and bemoans that America has double standards. It puts its trust in Washington again and again to be betrayed once more.

The world saw how Americans got a resolution against Iraq passed in the Security Council on the understanding that they would come back to it if it came to war. But President Bush ordered his forces to march in Iraq in the face of opposition by most of the Security Council members. Musharraf's claim that there is no cross-border terrorism has no supporting evidence.

All these years Pakistan has been promising that it will not allow any infiltration but it has not arrested even a single person trying to violate the Line of Control. It is doubtful if jihadi organizations will be reined in completely. They are a law unto themselves even in Pakistan. All that India wants is some proof of Islamabad's action. This is important because the talks are about to begin.

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Converging interests on Kashmir

General Mirza Aslam Beg

India-Pakistan stand-off 2002 and America's War on Iraq have contributed to peace initiative on Kashmir. Both India and Pakistan have responded positively for the dialogue. It is a difficult and complicated issue, demanding great deal of sagacity and diplomatic wisdom to find an amicable solution. It is therefore, important to analyse the interests, postures and attitudes of USA, Pakistan, India and the people of Kashmir to determine the possible outcome of the dialogue. The stand-off 2002 happened to be the watershed, defining the conventional and nuclear balance paradigm between the two nations, despite the fact, that the armed forces of India and Pakistan remained in eye ball to eye ball contact, for almost ten months, without any serious development, on a common border of over 2900 kms. India realised that Pakistan cannot be beaten into submission on Kashmir and the only course open was to seek peace through political means. America's war on Iraq made them realize that their unipolarity had been challenged and it was time to consolidate their gains in the Gulf and South Asian region. Thus, the convergence of interests of the concerned parties provides, an opportunity to be availed.

Conventional Balance: In 2002 the most ominous threat loomed over Pakistan's horizon, when India deemed it expedient to cash the international sensitivity to terrorism after the American war on Afghanistan, and thought that historical scores could be settled with Pakistan, deployed its entire military might against Pakistan, at a scale never witnessed before. Coercive diplomacy, coupled with

military intimidation, was meant to seek international support for India out of its predicament, in Kashmir. Notwithstanding such aggressive military posturing and coercive diplomacy, 2002 Stand-off helped Pakistan achieve credibility of its Conventional. Balance against India. The reason is that India does not possess the military capability to win the war against Pakistan.

The correlation of forces between Pakistan and India, since early sixties, has remained more or less, unaltered in favour of India, i.e. 1:2.5 in Army; 1:4 in Air force and 1:6 in Navy, yet the size of forces has increased reactively, to the present level. Pakistan Navy and Air force, in spite of being smaller in size, are fully capable of defending Pakistan, while the land forces will fight the decisive war, whose offensive and defensive capabilities are primarily based on their strategic reserves. India maintains a strategic reserve of about 19 Infantry Divisions and 2x Armoured Divisions, with various elements of supporting arms and services, while Pakistan maintains a strategic reserve of 9x Infantry Divisions and 2x Armoured Divisions. However, Indian Strategic Reserve, over the period has depleted because of commitment of combat infantry in Kashmir, reducing the strength of their strategic reserve considerably. In fact parity exists, denying India the capability for any worthwhile land offensive against Pakistan, in spite of marked advantage of superiority of numbers.

Nuclear Deterrence: Pakistan initiated its nuclear programme in 1976 to correct the power imbalance created by Indian atomic test of 1974. After a decade of hard labour, in 1987, Pakistan succeeded in achieving the objectives of its nuclear programme. Pakistan maintained sobriety

and did not embark upon any accelerated programme to brow beat the adversary, by sheer quantum and range of its nuclear weapons. A well-deliberated Policy of Restraint was, therefore evolved in 1989, determining its nuclear posture and attitude, which was in marked contrast to that of India, working on its Atomic Doctrine 2010. Pakistan's Nuclear Policy of Restraint of 1989 simply stated, means: "a minimum credible level of deterrence to be maintained against India". The salient features of the policy were: Lowering of enrichment level to 5% and below; no hot tests to be carried-out; nuclear deterrence not to compensate for conventional capability; and a state of readiness of existential deterrence was to be maintained.

The credibility of Pakistan's nuclear deterrence was achieved through a long period of crisis and confrontation: In 1990 an attempt was made, through the Indo-Israeli nexus, to attack Pakistan's nuclear assets, but India was effectively deterred. In 1998, India carried out atomic tests, ostensibly to call, Pakistan's bluff of nuclear ambiguity. In response Pakistan carried out its atomic tests, more convincingly than India, frustrating the Indian designs Nuclear deterrence therefore is stable and fully credible.

Kashmir, the Core Issue: The Kashmir issue like the Palestinian issue is now under focus, because of the geo-political necessity for settlement. The Americans, seeking primacy, want to consolidate their gains before a contender challenges their authority and domination. In South Asia, therefore American interests merge with the Indians, to find a peaceful solution of the Kashmir problem, which is causing fatigue and frustration to India. Kashmir war of liberations has its own

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dynamics. It is indigenous. Kashmiris struggle started in 1846, when the British sold-out Kashmir to the Hindu Raja for a paltry sum. Since then there have been several uprisings. In 1932, the people rose, in a full-fledged rebellion, which was brutally crushed by the ruler. In 1947, people joined the struggle for freedom but were thwarted by Indian military intervention. In the aftermath of Afghan war of liberation -1979-89, break-up of the Soviet Union and the Iranian revolution, the Kashmir movement, gained momentum. Now it has reached a decisive phase, containing more than 600,000 Indian troops, who have not been able to suppress the movement, in spite of all the brutality and state terrorism being committed. There are approximately 10-12000 Mujahideen, presently engaged in their war of liberation. About 50% of these come from the population living in Indian occupied Kashmir. The remaining 50% are contributed by three other sources. First, source is, the Global Resistance Force of over 60000 trained fighters, created by the American intervention in Afghanistan, against the Soviets. The second source of Jihadis is, Azad Kashmir, who have their inalienable right to cross over the Line of Control to join their brethren in their struggle in India held Kashmir. Third source is, Pakistan, which provides a small number of Jihadis, who have been effectively checked by the Pakistan government. Therefore, putting all the blame on Pakistan, for cross-border movement is a lame excuse. Yet the movement continues with the same intensity, in spite of all checks and restrictions, and will continue unabated, till a political solution is found, to bring to an end this drama of brutality and state terrorism.

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The people of Kashmir are the real arbiters of their destiny, and it is they who will give the final verdict for the political settlement of the dispute. Pakistan and India simply have to facilitate their decision making by involving them in the dialogue from the very outset. Their political wing - the All Parties Hurriyat Conference (APHC) is capable of initiating the political process, in consultation with the political parties of Azad Kashmir. Efforts must therefore be made to evolve a synergetic solution, than to impose one, which will only breed more problems and complications. All plausible options must therefore, be thoroughly debated, without any prejudice, to determine a pragmatic course, which could break the barriers. It is expected that, Pakistan will soon enter into dialogue with India, with full realization that, "it enjoys superiority of strategic orientation" gained after the stand-off 2002 with India, in that, nuclear deterrence is stable, and conventional balance holds and there is a genuine desire on part of both India and America to find a peaceful settlement of the Kashmir dispute. For the solution of the Kashmir dispute, enough space is available, for diplomacy to operate, to determine a Win-Win solution. Diplomacy, must therefore lead, having identified the strategic direction and the objective, i.e., peace in Kashmir, in conformity with the wishes of the people of Kashmir who have made such great sacrifices. Pakistan and India have a facilitative role to play i.e. to let the Kashmiri people experience peace and freedom denied to them, for over one hundred and fifty years - an aspiration that hangs on global conscience.

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