



Cumulative Gains & Splinter Negatives

London - July 2001

[JKCHR]

**Jammu and Kashmir Council for Human
Rights**

P.O.Box 241

London, SW17 9LJ

**Ph. 44 208 640 8630 Fax. 44 208 640 8546 &
44 208 651 0071**

www.jkchr.com

info@jkchr.com

Agra Summit

July 14-16 2001 Agra Summit between the Prime Minister of India Atal Bihari Vajpayee and the President of Pakistan General Pervez Musharraf represented a modest advance in the process of peace and tolerance in accordance with the ***principle of equality and equal security***.

At a time when India and Pakistan continue to remain ***addicted to enmity*** and ***hooked on hate***, hopes at this first point of contact should be ***restrained and economical***.

It was unwise to let the hopes soar unrealistically sky-high and would be more unwise to exaggerate the failure. In the succeeding paras I shall examine the cumulative gains and the splinter negatives of the summit.

Gains

The first and the principal gain is the invitation of the Prime Minister of India to the President of Pakistan 'to walk the high road of peace and reconciliation' and an instant ex aequo et bono response to the invitation.

The second enduring gain is that the two leaders were able to understand each other's viewpoints, concerns and compulsions.

That the discussions during the three rounds of one-on-one meetings and an hour-long farewell call were detailed, cordial and marked with candour is the third gain.

The acceptance by the Prime Minister of India to visit Pakistan, in pursuance of a common vision of peace, progress and prosperity for their peoples in the twenty-first-century, is the fourth gain.

India and Pakistan have moved in times since 1947. Indian leadership is determined to purge India of various irritants that stand in the path of a mature and a responsible democracy. Pakistan on the other hand continues to grapple with the lack of continuity in Governments.

The pressures of the nervous world community, more so the responsibility towards the one-fifth of humanity living in South Asia and the enlightened opinions in India and Pakistan may be the one reason of going to Agra but much more important is the realisation that the 'nuclear age has placed in doubt the very notion of victory'.

A material gain cannot be vouchsafed through the launching of nuclear warheads against an adversary.

It is a settled fact that no meaningful political purpose can be identified when the consequence of a nuclear conflict is death of hundreds of millions of human beings and the destruction of whole societies – indeed, world civilisation as it is presently known.

So the impulse for a negotiated agreements comes from the fear of a nuclear war and from a duty that we owe to the future.

A mature and a responsible democracy, carries a higher burden of responsibility in this regard.

There is a need to institutionalise the processes that insure peaceful resolution of disputes. The principal imperative is to avoid all forms of confrontation and conflict. The strategy of proxy wars – including wars of national liberation – national prestige and national pride might well lead to direct involvement.

The incidence of such conflicts has risen markedly over the past decade and also must become a matter of increased concern if war prevention – nuclear and non-nuclear – is to be a realistic goal of the international community.

Confidence building must be multidimensional and a continuous process of mutual accommodation. The process must operate at different levels – bilateral and multilateral – simultaneously and must encompass non-governmental organisations as well as official organs.

A fifth gain is that the intellectuals, media and common people in India and Pakistan made a valuable contribution to building 'an environment of opinion conducive to forward movement'. The good will so created is an increment for the principal of better relations between the two countries.

Prime Minister of India Atal Bihari Vajpayee took two daring initiatives – first a Bus Travel to Lahore and then became a host at Agra summit. The pursuit of peace is one of the most laudable enterprises that statesmen can undertake. Shared danger can only manufacture increased distrust.

Issues Identified

On the one hand 'poverty', 'want', 'hunger' and 'deprivation' were identified as the 'core concern of the people' in the opening remarks of the Prime Minister of India, during the first official meeting with the President of Pakistan and on the other a desire 'not to allow the past to dictate the future, responsibilities imposed by nuclear status, Jammu and Kashmir dispute, opening of communications, trade, change of mindsets and disappearance of stereotypes, deprivation and crippling poverty' were identified by the President of Pakistan at the banquet hosted in his honour by the Indian President K R Narayanan.

Agra summit is a modest beginning in evolving a structure for a sustained dialogue process to embrace all the unresolved issues. Jammu and Kashmir of course holds in its lap all the rest, in particular is the singular ingredient, destined to enhance the jovial moods of the rival camps.

One Day-All the Way

Faizah Gilani a Kashmiri student studying Government and Politics at Coombe Girls College in London, in her article on Agra Summit in The Daily News of London on Thursday July 19, 2001 has in conclusion made an interesting observation as follows:

“So, the conclusion to the Agra summit, a good approach but a disappointing failure. No leader from the two countries has ever gone beyond just talking and they all manage to stop in the middle. But let us hope that one day both countries can go all the way and resolve their differences. The waiting, indeed has been very long”.

The ‘one day’ now is the day when the Prime Minister of India visits Pakistan and when a ‘hope that both countries can go all the way and resolve their differences’ shall be put to a test.

Core Issue

Four one-on-one rounds of talks involving some 5-6 hours seem to have failed to cut the sharp edges around the three phrases – ‘dispute’ ‘cross-border terrorism’ and ‘freedom struggle’.

There could be no two opinions on the two counts of – (a) the statesmanship of the Prime Minister of India to invite the President of Pakistan to India ‘to walk the high road of peace and reconciliation’ and (b) the insistence of the President of Pakistan that Kashmir is the ‘core issue’.

President's Dilemma

President Musharraf is an honest decorated soldier. The author saw him talk straight and simple during our three meetings in February 2000, in particular during the meeting at Muzaffarabad.

The fact that the President devoted 90% of his 5-6 hour one-on-one discussion time to Kashmir is encouraging and at the same time worrying. Although he claims that his approach was not 'narrow', 'segmented' and 'unifocal', yet it causes one to wonder in regards to the otherwise.

President Musharraf with all his open mindedness, military science and statesmanship did err at core in regards to consultations on Kashmir and it cost him to be 'narrow', 'segmented' and 'unifocal' at Agra.

It equally led him to make a 'casual' move in public relations prior to a formal declaration. This public relations exercise should have been balanced on the one hand against the fruits of a 'declaration' that was in the offing and on the other the view points, concerns and compulsions of the parties. More so, the host.

Flaw in Consultations

The President of Pakistan has erred on the basic jurisprudence of Kashmir case at home and in India. The consultations on Kashmir in Islamabad, were organised, for an input on Kashmir. All the 'elastoplasts' of Kashmir politics' and the 'municipal junk' of Kashmir politics was rounded up and one could not hope better than see the President consume 90% of his effort on Kashmir and yet cause no relief to the common man and woman suffering in Kashmir.

I am sure that President Musharraf and his colleagues as I saw them in February 2000, are amenable and listening

soldiers/statesmen. I am equally confident that the men and women in his cabinet, as I have known them over the years from Geneva to Islamabad, are the true facsimile, of the same reasoning and commitment. So there was no reason that the Kashmiri representatives had anything to fear in making an overwhelming and an encompassing in put on Kashmir.

Immediate Need Ignored

Presidents yearning – ‘not to allow the past to dictate the future’ is ennobling. His personal knowledge of death at a close distance in wars is undisputed. Yet he fell for the bad ‘antiseptic wipes’ on the question of Kashmir during his consultation in Islamabad and the entourage too was weak on Kashmiriat [expertise in Kashmir case].

Once the Indian Prime Minister and the President of Pakistan, were able to exchange a jovial and friendly body chemistry and were able to understand the view points, concerns and compulsions of each other, focus should have been shifted to violence [state and non state] and the massive loss of life in Kashmir.

Kashmir is a ‘core question’. However, a full regard of the life, honour and dignity as the ‘principal essentials’ takes precedence. Kashmir as a place of humankind was not debated as such.

Bad Counsel

The Kashmiri representatives, for their personal unmanly reasons, ‘medicated’, ‘easy’ and ‘safe’ for immediate use, vied with each other in catching the attention of the President and Jesus the ‘holy shepherd’ in Islamabad and in Delhi. Without a mandate to mandate, and without discussing a mandate, they mandated him, a mistake that is far remote to the reasoning of 21st century.

Kashmiri leadership on both sides of the cease-fire line [with rare unasserting exceptions] is ignorant or has unreliable understanding of the Kashmir case.

It has failed to understand the jurisprudence of the case, in its complete context of Instrument of Accession, UN, India, Pakistan, Indo-Pak Agreements and declarations and the agreements between India and Kashmir and between Pakistan and Kashmir respectively.

To top up the leadership is arrogant in its ignorance and has remained immensely selfish and self-imposing. It would be more appropriate to say that it needs a telephone cradle to rest against for good.

Even in the 21st century Kashmiri leadership loves to remain too closeted in composition and too selfish in photo opportunity. President Musharraf should have been well counselled to invite the non-APHC leaders, and many more from various disciplines of life to the reception in Delhi.

The absence, in particular, of Shabir Ahmad Shah does not sit well with common sense. Shah and his school of politics, too has a vote in the dispensation of Kashmir dispute.

A non-accommodating attitude or 'chel-chel in Liaquat Bagh', has always remained an evil characteristic of Kashmir politics. But President Musharraf had no reason to yield to this bad counsel. I am witness to it that Benazir Bhutto as Prime Minister of Pakistan did not yield to this bad counsel during the 7th Islamic Summit Conference in Casablanca-Morocco in December 1994.

The jurisprudence of Kashmir case is tolerant of all the major political opinions in Kashmir and it dares bid a full insurance of minorities as well. It does not allow any Dr. Faustus to sell his soul to the Lucifer, unless he does so in reference to the free 'will of the people'. According to the

German legend, Faustus too was conscious to gain 'knowledge' and 'power'. On the contrary, Kashmiri leadership continues to pedal 'ignorance' and 'failure'.

Jurisprudence of Invitation

The jurisprudence of Kashmir case has to reflect in the behaviour of Pakistani and Indian political character. In this case it failed to reflect in the jurisprudence of invitation to a reception of the President at the Pakistani High Commission.

Be it UN resolutions, be it APHC constitution or any mutually agreed yardstick of dispensation, India and Pakistan, should not encourage 'ghettoeing' of the civil society in Kashmir. Care has to be taken in any public relations move. In Delhi, Pakistan High Commission in particular has failed to conduct its PR behaviour in accordance with the jurisprudence of the Kashmir case and other sensitivities around it.

UN Resolutions

Without prejudice to the Indian position on UN resolutions, it is important to point out that the PR behaviour of the Pakistani High Commission in India remained at variance with its avowed position on the jurisprudence of UN resolutions in the choice of invitations.

In regards to the politicians, the UN jurisprudence refers to 'principal political elements' of Kashmir. The jurisprudence recognises National Conference and the Muslim Conference under the test of 'principality'. It refers to a free, fair and full representation of 'major political groups' and minorities.

UN has moved with the times and so has the civil society in Kashmir since 1948. Pakistan High Commission would be seen at variance with the UN jurisprudence of Kashmir case, if it discriminated against National Conference, others and the minorities in its invitation to the Presidents reception.

The discrimination or a ghettoeing approach does not even sit well with the bare minimums of good and decent civic sense or civility. The litmus test in this regard should have been the 'State Subject'. President's advisors failed in this regard in Islamabad and in Delhi. Indian side too has erred in not inviting the APHC and others to their reception. India could however, claim some understandable compulsions as an intervening caveat that influenced its decision.

Lessons from History

We don't need to be prisoners of the past but we have to be learners from history. West Germans had to concede a sovereign recognition to East Germans at the UN – in exchange of accepting visits between the divided families of East and West Germany. The union of families was agreed at a time when non-technical espionage, in the kind of human person, was rife as an epidemic.

There are over 2 million Kashmiri refugees [displaced] living in Pakistan and Azad Kashmir. It is an irony that politicians at war with India and the militant leadership at war with security forces of India, have managed, visas and safe travel for their families, lock stock and barrel, since 1990, yet there is no consideration of the right to travel of a common Kashmiri man and woman. There is no room or arrangement for any travel in exceptional cases of death or a marriage.

The author and the members of JKCHR delegation at the UN World Conference on Human Rights in Vienna, in June 1993 had the opportunity to see Prime Minister of India Atal Bihari Vajpayee [as leader of the opposition and leader of the delegation to the Conference] conduct himself as a decent human person and as a statesman. We had the opportunity to meet and discuss with him the question of State violence in Kashmir.

President Musharraf too has praised the Prime Minister for his statesmanship. There is no reason to doubt that he would not be prepared to take common, affordable measures in the interests of the people of Kashmir, prior to moving on to the more difficult aspect of 'peoples aspirations' as a 'core' subject.

The enlightened public opinion in India and Pakistan has not been exposed to this suffering of a third people. Under UN resolutions India and Pakistan have a duty towards these refugees. India on her own has a specific commitment under the 1952 Nehru-Abdullah accord. Prime Minister and the President, if counselled on the subject, could have agreed to zero in without any prejudice to their respective positions.

Robotic Diplomacy

The people of Pakistan, the governments of Pakistan and the opposition parties in Pakistan, have continued their support of and interest in the case of the people of Kashmir.

However, it is all muddled and they remain ignorant, like many others about the contours of the UN resolutions, the constitution of Pakistan and the constitutional arrangements between the Governments of Pakistan and Azad Kashmir in relation to Azad Kashmir and in relation to Gilgit and Baltistan.

Foreign office of Pakistan, has continued to act as an obedient 'Robot' to every change in government in relation to Kashmir. The diplomacy on Kashmir is 'robotic diplomacy' and it lacks vision.

Their interest in Kashmir is less enduring and more tenure based. Under the 'musical chair regime' of changes these experts are uncertain in regards to the landing surface for themselves. It has encouraged ghetto politics among the

people of Kashmir and has failed to transcend its octogenarian prejudices.

Kashmiri politicians have erred in choosing the government camp all the time. They have sung to the tune of a change and sadly turned their backs on the opposition. Kashmiri politicians claim to be neutral in Pakistans national politics but continue to run and hunt with the ruling elite.

It does not encourage or promote in full, the public opinion in favour of Kashmiris, if the people of Kashmir ignore the energising contribution made by non Government bodies, many leaders, in particular Benazir Bhutto, Nawabzada Nasrullah Khan, Nawaz Sharif, NGOs and many others from various disciplines in the civil society. Kashmiris in Pakistan and Azad Kashmir are known to have eaten their own children for their present. They have suffered and continue to suffer, sadly without giving any meaning to their suffering.

Justice, Truth & Right

President Musharraf has stressed that 'Justice, truth and right', should be the premise of any process in resolving the disputes. He has urged the people of India, Pakistan and Kashmir to give peace a bigger chance and to ignore the extremists. On his return from India he has conducted himself with grace and statesmanship, while making a reference to Indian leadership. It would broaden the constituency of understanding and good will.

President Musharraf however, would be tested by the world community on this touch stone and his personal vires of 'justice, truth and right' would be queried in India and more so by the people of Kashmir, in relation to Azad Kashmir, Gilgit and Baltistan and his own regard of his constitutional duties in these areas would be held up to his declared principles.

Agra Process

If peace is a peoples' desire and at a time when President Musharraf has urged the people in India, Pakistan and Kashmir to rise in support of peace, normalisation of relations, free travel and trade – not to boast or thump chest, the two countries should stop to create political ghettos in Kashmir.

They should address the civil society as a whole and shun to pedal the 'gun' and the 'dulcimer' and disengage from any kind of violence against the people of Kashmir and from seeking a forced compliance and non-compliance from the civil society.

The first and foremost to the principles of 'justice, truth and right' is that India and Pakistan ensure that the transfer of a 'free will', shall be the basis of any governance in their respective parts of Kashmir. That they respect, prior to any final dispensation, the basic right of the people of Kashmir to participate in the 'conduct of public affairs'. That they accept a duty to conserve life in Kashmir, respect human rights and that the leadership in the discharge of a public trust, remains responsible, culpable and accountable.

Conclusion

In conclusion, an invitation – 'to walk the high road of peace and reconciliation' and an instant *ex aequo et bono* response to the invitation not only merit the concern of one-fifth of humanity living in South Asia today but history too watches this leadership, in regards to its vision for tomorrow.

These leaders need to be encouraged in their efforts and the enlightened public opinion should join in to prune the rough edges, if and when appear. Tomorrow would of course start at, with what we leave off today.

President Musharraf has given a cue that peace process is 'too serious a business' and there is no scope for any 'point scoring'.

Both leaderships need to address peace process and the Kashmir question with a detached and dispassionate approach. Although there are, respective positions, yet the thread of a just and humane approach to the cause of humanity in Kashmir is 'common' for both.

Respect for the aspirations of the people of Kashmir, their human rights and a due regard for the fabric of civil society in Kashmir override any other assumed considerations in India and Pakistan. And more so the effects of war are immediate but those of peace far-reaching and far beyond.

The two leaders poised to make peace – may make errors but these errors are worth making – provided they zero in for peace and reconciliation. It is after all a rider who falls off a horse. Those who dare not don't carry the day.

It is time to learn from the pages of history and to cite after 53 years what Noel Baker, the UK representative to the Security Council, said in regards to Kashmir in January 1948:

"I have with me to act as advisors two great military men, Lord Ismay, who was on Mr. Churchill's staff during the war, and General Schoones, who commanded in Burma in our desperate campaign. They tell me that in their view, after studying military history, wars very rarely produce the results for which they were begun. In this case war would destroy the purpose of the Governments altogether".

He continued that – "The alternative to war is agreement in the Security Council. Both parties have told us they want peace with justice. Both have told us they want the will of the people of Kashmir to prevail. The representative of India

stated this yesterday and the representative of Pakistan stated it today. Our task is to formulate a plan by which that can be done. Let us press forward with that work”.

After Agra both leaders should on the one hand seek ‘peace with justice’ and on the other let ‘the will of the people of Kashmir prevail’, in all parts of the state of Jammu and Kashmir.

Peace with justice is enduring and the will of the people is essential. This needs to be the basis for a much-awaited declaration on the Prime Minister of India’s visit to Lahore.

President Musharraf is no different to Lord Ismay and General Schoones in his study of military history and in understanding ‘that wars very rarely produce the results for which they were begun’.

Non political people in India, Pakistan and Kashmir need to assume a responsible and a pro-active role in ensuring that the leaders walk, talk and take decisions and leave some decisions for the future generations.

There is an urgent need to institutionalise, the scope of responsibility, accountability and culpability in the discharge of a public trust. Kashmiri leadership needs to be reminded that command and control of politics and militancy continues to accrue culpability as well. A conscientious leadership remains in consonance with the echo of its conscience and that a social conscience overrides the individual.

Dr. Syed Nazir Gilani [Ph.D. Phil]

Secretary General – JKCHR

P.O.Box 241

London, SW17 9LJ

Ph. 44 208 640 8630 & 44 208 651 0600

Fax. 44 208 640 8546 & 44 208 651 0071

Email. info@jkchr.fsnet.co.uk & jkchr@compuserve.com

